

# FEDERAL REGISTER

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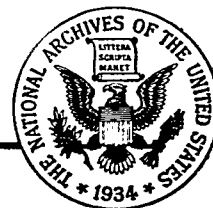
Thursday, October 14, 1965 • Washington, D.C.

Pages 13045-13110

**Agencies in this issue—**

The President  
Agricultural Stabilization and  
Conservation Service  
Alien Property Office  
Civil Aeronautics Board  
Civil Service Commission  
Commerce Department  
Commodity Credit Corporation  
Commodity Exchange Authority  
Consumer and Marketing Service  
Federal Aviation Agency  
Federal Communications Commission  
Federal Maritime Commission  
Federal Power Commission  
Fish and Wildlife Service  
Food and Drug Administration  
Interior Department  
Interstate Commerce Commission  
Land Management Bureau  
Maritime Administration  
Post Office Department  
Securities and Exchange Commission

Detailed list of Contents appears inside.



# Latest Edition

## Guide to Record Retention Requirements

[Revised as of January 1, 1965]

This useful reference tool is designed to keep industry and the general public informed concerning published requirements in laws and regulations relating to records-retention. It contains about 900 digests detailing the retention periods for the many types of records required to be kept under Federal laws and rules.

The "Guide" tells the user (1) what records must be kept, (2) who must

keep them, and (3) how long they must be kept. Each digest also includes a reference to the full text of the basic law or regulation governing such retention.

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# Contents

## THE PRESIDENT

### PROCLAMATION

Service Courts of Friendly Foreign Forces within the United States..... 13049

## EXECUTIVE AGENCIES

### AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

Rules and Regulations  
Peanuts; determination of county normal yields, 1965 crop..... 13051

### AGRICULTURE DEPARTMENT

See Agricultural Stabilization and Conservation Service; Commodity Credit Corporation; Commodity Exchange Authority; Consumer and Marketing Service.

### ALIEN PROPERTY OFFICE

Notices  
Reitmeier, Christian; intention to return vested property..... 13097

### CIVIL AERONAUTICS BOARD

Proposed Rule Making  
All-expense tours by supplemental air carriers and tour operators; supplemental notice..... 13077  
Reporting results of services performed for Defense Department; supplemental notice..... 13077

Notices  
IATA joint conference; agreement regarding specific commodity rates..... 13103

### CIVIL SERVICE COMMISSION

Rules and Regulations  
Excepted service:  
Agricultural Department..... 13053  
Air Force Department..... 13054  
Post Office Department..... 13054  
Treasury Department..... 13054

### COMMERCE DEPARTMENT

See also Maritime Administration.

Notices  
Environmental Science Services Administration; organization and functions..... 13100

### COMMODITY CREDIT CORPORATION

Notices  
Grains and similarly handled commodities; final date for redemption of warehouse-storage loans made under 1964 price support programs; amendment.. 13100

## COMMODITY EXCHANGE AUTHORITY

Proposed Rule Making  
Record keeping; controlled accounts ..... 13076

## CONSUMER AND MARKETING SERVICE

Rules and Regulations  
Almonds grown in California; handling ..... 13053  
Grapefruit in Arizona and California; shipments limitation... 13052  
Proposed Rule Making  
Milk in Chicago, Ill., marketing area, et al.; reconvened hearing ..... 13076  
Pears, Bartlett, and plums and Elberta peaches grown in California; recommended decision.. 13063

## FEDERAL AVIATION AGENCY

Rules and Regulations  
Control zone; alteration..... 13054  
Federal airway; designation..... 13054  
Federal airways and jet routes; alterations ..... 13056  
Federal airways and reporting point; alteration and designation ..... 13054  
Restricted area; alteration..... 13056  
Transition areas:  
Alteration ..... 13055  
Revocations (2 documents)..... 13055  
Proposed Rule Making  
Transition areas and control area extension; alteration, designation, and revocation..... 13078

## FEDERAL COMMUNICATIONS COMMISSION

Rules and Regulations  
Organization, practice and procedure; miscellaneous amendments..... 13058  
Proposed Rule Making  
Radio broadcast services; data required with applications for directional antenna systems..... 13079  
Stations on land and shipboard in maritime services; frequencies available for continuous public ship-shore use in Baltimore, Md., area..... 13079  
Notices  
Hearings, etc.:  
Eastern Long Island Broadcasters, Inc., and Reunion Broadcasting Corp..... 13104  
McLendon Pacific Corp..... 13104  
Ultronics Systems Corp. and Western Union Telegraph Co. 13104

## FEDERAL MARITIME COMMISSION

Notices  
Agreements filed for approval:  
Trans Pacific Freight Conference of Hong Kong..... 13104  
States Steamship Co. and Indo-China Steam Navigation Co., Ltd..... 13105  
South Louisiana Port Commission and Bayside Warehouse Co..... 13105

## FEDERAL POWER COMMISSION

Notices  
Hearings, etc.:  
Atlantic Gas Light Co. and South Georgia Natural Gas Co..... 13105  
Sinclair Oil & Gas Co..... 13106  
Transwestern Pipeline Co..... 13107

## FISH AND WILDLIFE SERVICE

Rules and Regulations  
Hunting; Piedmont National Wildlife Refuge, Ga..... 13062  
Notices  
Regional supervisors of management and enforcement; delegation of authority..... 13098

## FOOD AND DRUG ADMINISTRATION

Rules and Regulations  
Color additives and new drugs; miscellaneous amendments.... 13056  
Notices  
Food additives; filing of petitions:  
Amdal Co..... 13103  
American Cyanamid Co..... 13103  
Corvel, Inc..... 13103  
Dow Corning Corp..... 13103  
Victor Chemical Division, Stauffer Chemical Co.; withdrawal; correction..... 13103

## HEALTH, EDUCATION, AND WELFARE DEPARTMENT

See Food and Drug Administration.

## INTERIOR DEPARTMENT

See also Fish and Wildlife Service; Land Management Bureau.

Notices  
Statements of changes in financial interests:  
Custer, Charles M..... 13099  
Hieronymus, John W..... 13099  
Keesling, Homer G..... 13099  
Porter, George A..... 13099  
Welch, Edward W..... 13100

(Continued on next page)

**INTERSTATE COMMERCE  
COMMISSION****Rules and Regulations**

Designation of process agents by  
motor carriers and brokers;  
miscellaneous amendments----- 13061

**Notices**

Southern Pacific Co.; increased  
passenger fares between San  
Francisco and San Jose, Calif.,  
and intermediate points----- 13094

**Motor carrier:**

Broker, water carrier, and  
freight forwarder applica-  
tions----- 13081  
Temporary authority applica-  
tions----- 13094  
Transfer proceedings----- 13097

**JUSTICE DEPARTMENT**

*See Alien Property Office.*

**LAND MANAGEMENT BUREAU****Rules and Regulations**

Public land orders; Alaska:  
Partial revocation of Executive  
orders----- 13057  
Revocation of previous order--- 13057

**Notices**

Idaho; proposed withdrawal and  
reservation of lands----- 13098

**MARITIME ADMINISTRATION****Notices**

Alaska Steamship Co.; tentative  
findings justifying continuance  
of bareboat charters covering  
certain Government-owned ves-  
sels----- 13100

**POST OFFICE DEPARTMENT****Notices**

Philatelic sales service; increased  
handling charges----- 13098

**SECURITIES AND EXCHANGE  
COMMISSION****Notices****Hearings, etc.:**

Belock Instrument Corp----- 13107  
Hamilton Funds, Inc., and In-  
ternational Telephone and  
Telegraph Corp----- 13107  
Old Dominion Growth Stock  
Fund, Inc----- 13108  
VTR, Inc----- 13108

**List of CFR Parts Affected**

(Codification Guide)

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date appears at the end of each issue beginning with the second issue of the month.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1965, and specifies how they are affected.

**3 CFR****PROCLAMATION:**

3681----- 13049

**EXECUTIVE ORDERS:**

2242 (revoked in part by PLO  
3848)----- 13057  
3672 (revoked in part by PLO  
3848)----- 13057

**5 CFR**

213 (4 documents)----- 13053, 13054

**7 CFR**

729----- 13051  
909----- 13052  
981----- 13053

**PROPOSED RULES:**

917----- 13063  
1030----- 13076  
1031----- 13076  
1032----- 13076

1038----- 13076  
1039----- 13076  
1051----- 13076  
1062----- 13076  
1063----- 13076  
1067----- 13076  
1070----- 13076  
1078----- 13076  
1079----- 13076

**14 CFR**

71 (7 documents)----- 13054, 13056  
73----- 13056  
75----- 13056  
**PROPOSED RULES:**  
71----- 13078  
243----- 13077  
378----- 13077

**17 CFR****PROPOSED RULES:**

1----- 13076

**21 CFR**

8----- 13056  
130----- 13056

**43 CFR****PUBLIC LAND ORDERS:**

316 (revoked by PLO 3847)----- 13057  
3847----- 13057  
3848----- 13057

**47 CFR**

0----- 13058  
1----- 13058  
**PROPOSED RULES:**  
73----- 13079  
81----- 13079  
83----- 13079

**49 CFR**

174a----- 13061

**50 CFR**

32----- 13062

# Presidential Documents

## Title 3—THE PRESIDENT

### Proclamation 3681

#### SERVICE COURTS OF FRIENDLY FOREIGN FORCES WITHIN THE UNITED STATES

By the President of the United States of America

#### A Proclamation

WHEREAS the Act of June 30, 1944, entitled "An Act to implement the jurisdiction of service courts of friendly foreign forces within the United States, and for other purposes" (58 Stat. 643; 22 U.S.C. 701-706), provides in part as follows:

"Sec. 6. This Act shall be operative with respect to the military, naval, or air force of any foreign state only after a finding and declaration by the President that the powers and privileges provided herein are necessary for the maintenance of discipline. The President may at any time revoke such finding and declaration."

WHEREAS there are within the United States military, naval, or air forces of Australia;

WHEREAS the Government of Australia has made known its desire to exercise within the United States jurisdiction over offenses committed by members of their respective military, naval, or air forces; and

WHEREAS the Australian Government has recognized the right of the United States military authorities to exercise jurisdiction over certain offenses committed by members of the United States armed forces in Australian territory and are undertaking to make available appropriate facilities for the effective exercise of such jurisdiction:

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, acting under and by virtue of the authority vested in me by Section 6 of the Act of June 30, 1944, do find and declare that the powers and privileges provided in that Act to implement the jurisdiction of courts martial or other military tribunals of friendly foreign forces within the United States are necessary for the maintenance of discipline of the military, naval, or air forces of Australia within the United States.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this tenth day of October in the year of our Lord nineteen hundred and sixty-five, and of [SEAL] the Independence of the United States of America the one hundred and ninetieth.

LYNDON B. JOHNSON

By the President:

DEAN RUSK,  
*Secretary of State.*

[F.R. Doc. 65-11083; Filed, Oct. 13, 1965; 10:25 a.m.]



## Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

## PART 729—PEANUTS

***Basis and purpose.*** The regulations contained in § 729.1607, below, are issued pursuant to and in conformity with the peanut marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended, and the Allotment and Marketing Quota Regulations for Peanuts of the 1963 and Subsequent Crops (27 F.R. 11920; 28 F.R. 11811; 29 F.R. 7801, 7983, 13027, 16185; 30 F.R. 2589, 11345).

(B) "Normal yield" for any county, in the case of \* \* \* peanuts, shall be the average yield per acre of \* \* \* peanuts for the county, adjusted for abnormal weather conditions, during the 5 calendar years immediately preceding the year in which such normal yield is determined. (C) In applying \* \* \* [(B) *supra*] \* \* \* if for any such year the data are not available or there is no actual yield, an appraised yield for such year, determined in accordance with regulations issued by the Secretary, shall be used as the actual yield for such year. In applying such paragraphs, if, on account of drought, flood, insect pests, plant disease, or other uncontrollable natural cause, the yield in any such year of such \* \* \* five-year period, \* \* \* is less than 75 per centum of the average (computed without regard to such year) such year shall be eliminated in calculating the normal yield per acre.

**§ 729.1607 Determination of the county normal yields for 1965 crop of peanuts.**

ALABAMA

<i>County</i>	<i>Normal yield (pounds)</i>	<i>County</i>	<i>Normal yield (pounds)</i>
Autauga	849	Houston	1,264
Baldwin	640	Jackson	680
Barbour	1,112	Jefferson	740
Bibb	600	Lamar	670
Blount	656	Lauderdale	730
Bullock	738	Lawrence	730
Butler	856	Lee	660
Calhoun	669	Limestone	760
Chambers	633	Lowndes	640
Cherokee	660	Macon	723
Chilton	700	Madison	740
Choctaw	550	Marengo	540
Clare	562	Marion	760
Clay	575	Marshall	803
Cleburne	630	Mobile	560
Coffee	1,080	Monroe	979
Colbert	670	Montgomery	747
Conecuh	921	Morgan	740
Coosa	610	Perry	917
Covington	1,107	Pickens	652
Crenshaw	1,056	Pike	931
Cullman	802	Randolph	640
Dale	1,177	Russell	924
Dallas	628	St. Clair	632
DeKalb	770	Shelby	610
Elmore	935	Sumter	540
Escambia	1,135	Talladega	575
Etowah	672	Tallapoosa	580
Fayette	750	Tuscaloosa	620
Franklin	680	Walker	640
Geneva	1,260	Washington	520
Greene	650	Wilcox	650
Hale	531	Winston	640
Henry	1,222		

## ARIZONA

Pima ----- 2,317      Yuma ----- 1,999

## ARKANSAS

Crawford	764	Lincoln	2,000
Dallas	565	Little River	565
Faulkner	758	Logan	716
Franklin	875	Nevada	513
Grant	1,177	Randolph	652
Hempstead	399	Sevier	1,117
Howard	493	Yell	1,117
Johnson	674		

**CALIFORNIA**

Fresno	2,671	Tulare	953
Kern	1,677		

FLORIDA

Alachua	1,585	Lafayette	1,225
Bay	865	Leon	1,380
Calhoun	1,560	Levy	1,312
Columbia	1,268	Madison	750
Dixie	1,420	Marion	1,236
Escambia	809	Okaloosa	1,362
Gadsden	1,138	Santa Rosa	1,593
Gilchrist	963	Suwannee	1,555
Hamilton	1,150	Wakulla	966
Holmes	1,180	Walton	1,227
Jackson	1,295	Washington	1,310
Jefferson	1,016		

## GEORGIA

Appling -----	1, 097	Bulloch -----	1, 348
Atkinson -----	1, 282	Burke -----	861
Bacon -----	901	Calhoun -----	1, 595
Baker -----	1, 484	Candler -----	1, 114
Baldwin -----	613	Chattahoo-	
Ben Hill -----	1, 391	chee -----	496
Berrien -----	1, 289	Clay -----	1, 271
Bleckley -----	1, 194	Coffee -----	1, 243
Brooks -----	1, 350	Colquitt -----	1, 366
Bryan -----	1, 263	Cook -----	1, 581

**GEORGIA—Continued**

<i>County</i>	<i>Normal yield (pounds)</i>	<i>County</i>	<i>Normal yield (pounds)</i>
Crawford	324	Pierce	723
Crisp	1,523	Pulaski	1,241
Decatur	1,452	Quitman	1,084
Dodge	1,026	Randolph	1,853
Dooly	1,410	Richmond	532
Dougherty	1,314	Schley	1,245
Early	1,395	Screven	1,198
Effingham	1,258	Seminole	1,454
Emanuel	1,027	Stewart	1,148
Evans	1,493	Sumter	1,446
Glasscock	640	Talbot	828
Grady	1,491	Tattnall	1,396
Hancock	193	Taylor	1,346
Houston	1,224	Telfair	1,130
Irwin	1,524	Terrell	1,364
Jeff Davis	1,306	Thomas	1,281
Jefferson	781	Tift	1,486
Jenkins	987	Toombs	1,173
Johnson	893	Treutlen	1,177
Lanier	1,510	Turner	1,398
Laurens	1,034	Twigg	983
Lee	1,386	Upson	687
Lowndes	1,072	Warren	575
Macon	1,334	Washington	1,172
Marion	1,061	Wayne	772
Miller	1,513	Webster	1,178
Mitchell	1,449	Wheeler	1,211
Montgomery	971	Wilcox	1,405
Muscogee	395	Wilkinson	931
Newton	371	Worth	1,360
Peach	1,143		

## LOUISIANA

Beauregard --	634	Lincoln -----	895
Bienville ----	679	Morehouse ---	977
Claiborne ---	612	Union -----	393
LaSalle -----	611		

## MISSISSIPPI

Alcorn	569	Lowndes	450
Attala	334	Neshoba	988
Calhoun	436	Noxubee	344
Clay	450	Pontotoc	500
Copiah	465	Prentiss	490
Forrest	490	Sunflower	804
Greene	1, 125	Tate	680
Hinds	488	Tishomingo	380
Holmes	460	Union	575
Itawamba	430	Webster	1, 188
Kemper	361	Winston	480
Lauderdale	497	Yalobusha	371

## NEW MEXICO

Curry -----	1,536	Quay -----	1,196
Lea -----	1,210	Roosevelt ----	2,014

## NORTH CAROLINA

Beaufort	1,508	Johnston	1,553
Bertie	1,788	Jones	975
Bladen	1,362	Lenoir	1,021
Brunswick	788	Martin	1,995
Camden	1,893	Moore	1,586
Catawba	593	Nash	1,529
Chatham	1,115	New Hanover	1,110
Chowan	2,158	Northampton	2,086
Columbus	1,286	Onslow	1,432
Craven	1,144	Pasquotank	2,305
Cumberland	1,423	Pender	1,200
Currituck	1,863	Perquimans	2,215
Duplin	1,033	Pitt	1,746
Edgecombe	1,773	Richmond	1,363
Franklin	1,199	Robeson	1,168
Gates	1,981	Rowan	1,230
Greene	1,552	Sampson	1,212
Halifax	1,910	Scotland	1,851
Hertford	1,885	Tyrrell	1,561
Iredell	480	Wake	1,354

## NORTH CAROLINA—Continued

County	Normal yield (pounds)	County	Normal yield (pounds)
Warren	1,073	Wayne	1,345
Washington	1,894	Wilson	1,418

## OKLAHOMA

Adair	590	Kiowa	1,037
Atoka	1,007	Le Flore	750
Beckham	2,109	Lincoln	1,197
Blaine	2,994	Logan	1,657
Bryan	811	Love	865
Caddo	2,621	McClain	1,088
Canadian	1,603	McCurtain	928
Carter	839	McIntosh	1,039
Choctaw	815	Marshall	1,022
Cleveland	1,370	Murray	991
Coal	697	Muskogee	887
Comanche	1,164	Okluskee	1,019
Creek	733	Oklahoma	925
Custer	2,241	Oklmulgee	911
Dewey	774	Pawnee	1,083
Garvin	1,300	Payne	991
Grady	1,019	Pittsburg	1,059
Greer	1,631	Pontotoc	789
Harmon	959	Pottawatomie	1,166
Haskell	902	Pushmataha	777
Hughes	1,107	Seminole	860
Jackson	824	Stephens	1,087
Jefferson	676	Tulsa	642
Johnston	1,010	Wagoner	802
Kingfisher	1,314	Washita	2,825

## SOUTH CAROLINA

Aiken	479	Greenville	785
Allendale	1,237	Hampton	1,382
Bamberg	1,628	Horry	1,127
Barnwell	894	Kershaw	1,251
Cherokee	490	Lee	1,241
Clarendon	908	Marion	1,052
Colleton	1,047	Marlboro	672
Darlington	1,217	Orangeburg	575
Dillon	1,146	Spartanburg	540
Dorchester	649	Sumter	1,400
Florence	1,066	Williamsburg	982

## TENNESSEE

Benton	973	Humphreys	668
Bradley	1,253	Lawrence	640
Carroll	710	Lewis	894
Decatur	902	Loudon	916
Dickson	617	Madison	431
Gibson	1,034	Obion	631
Hardeman	675	Perry	1,075
Hardin	483	Polk	805
Henderson	700	Wayne	740
Hickman	600	Weakley	1,000

## TEXAS

Anderson	713	Erath	729
Atascosa	962	Falls	670
Austin	1,007	Fannin	944
Bailey	2,340	Fayette	607
Bastrop	648	Floyd	1,725
Baylor	1,214	Fort Bend	609
Bee	711	Franklin	935
Bexar	719	Freestone	613
Bosque	511	Frio	1,869
Brazoria	542	Gaines	1,482
Briscoe	941	Garza	535
Brown	593	Gillespie	391
Burleson	518	Gonzales	792
Caldwell	656	Grayson	693
Callahan	514	Grimes	641
Cass	460	Guadalupe	512
Cherokee	833	Hale	1,784
Collingsworth	791	Hall	1,488
Colorado	866	Hamilton	493
Comanche	750	Harris	1,070
Cooke	502	Henderson	916
Coreyell	718	Hill	602
Crosby	1,564	Hood	808
Denton	703	Hopkins	835
DeWitt	645	Houston	908
Dimmit	2,079	Jack	520
Duval	763	Jim Wells	1,307
Eastland	596	Johnson	696

## TEXAS—Continued

County	Normal yield (pounds)	County	Normal yield (pounds)
Jones	623	Robertson	710
Karnes	648	Runnels	388
Kent	630	Rusk	633
Lamar	872	San Saba	556
Lampasas	559	Somervell	680
La Salle	1,887	Stephens	549
Lavaca	633	Stonewall	675
Lee	606	Tarrant	747
Leon	722	Terry	2,027
Limestone	844	Titus	826
Llano	685	Trinity	711
McCulloch	786	Upshur	556
McLennan	726	Van Zandt	844
Madison	701	Victoria	655
Mason	942	Walker	642
Medina	898	Waller	1,107
Milam	672	Washington	782
Mills	682	Webb	926
Montague	901	Williamson	775
Morris	767	Wilson	634
Motley	1,362	Wise	734
Palo Pinto	634	Wood	709
Parker	798	Yoakum	1,568
Polk	558	Young	709
Red River	1,132	Zavala	3,035

## VIRGINIA

Brunswick	1,167	Mecklenburg	865
Chesapeake	1,908	Nansemond	1,908
Chesterfield	1,325	New Kent	1,831
Dinwiddie	1,664	Northampton	1,739
Greensville	1,878	Prince George	1,747
Isle of Wight	1,998	Southampton	2,040
James City	1,988	Surry	2,037
Mathews	1,949	Sussex	1,860

(Secs. 301, 375, 52 Stat. 38, as amended, 66, as amended, 7 U.S.C. 1301, 1375)

*Effective date.* Date of publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on October 6, 1965.

H. D. GODFREY,  
Administrator, Agricultural Sta-  
bilization and Conservation  
Service.

[F.R. Doc. 65-10865; Filed, Oct. 13, 1965;  
8:45 a.m.]

### Chapter IX—Consumer and Market- ing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Grapefruit Reg. 29]

### PART 909—GRAPEFRUIT GROWN IN ARIZONA; IN IMPERIAL COUNTY, CALIF.; AND IN THAT PART OF RIVERSIDE COUNTY, CALIF., SITU- ATED SOUTH AND EAST OF WHITE WATER, CALIF.

#### Limitation of Shipments

#### § 909.329 Grapefruit Regulation 29.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 909, as amended (7 CFR Part 909), regulating the handling of grapefruit grown in the State of Arizona; in Imperial County, Calif.; and in that part of Riverside County, Calif., situated south and east of White Water, Calif., effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recom-

mendations of the Administrative Committee (established under the aforesaid amended marketing agreement and order), and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective date. The Administrative Committee held an open meeting on September 30, 1965, to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such open meeting; necessary supplemental economic and statistical information upon which this recommended section is based were received by the Fruit Branch on October 4, 1965; information regarding the provisions of the regulation recommended by the committee has been disseminated to shippers of grapefruit, grown as aforesaid, and this section, including the effective time thereof, is identical with the recommendation of the committee; it is necessary, in order to effectuate the declared policy of the act, to make this section effective on the date hereinafter set forth so as to provide for the regulation of the handling of grapefruit at the start of this marketing season; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

(b) *Order.* (1) Except as otherwise provided in subparagraph (2) of this paragraph, during the period beginning at 12:01 a.m., P.s.t., October 17, 1965, and ending at 12:01 a.m., P.s.t., August 1, 1966, no handler shall handle from the State of California or the State of Arizona to any point outside thereof:

(i) Any grapefruit which do not meet the requirements of the U.S. No. 2 grade which for purposes of this section shall include the requirement that the grapefruit be well colored, instead of slightly colored, and free from peel that is more than one inch in thickness at the stem end (measured from the flesh to the highest point of the peel): *Provided*, That the tolerances prescribed for the U.S. No. 2 grade shall be the tolerances applicable to the requirements of this subparagraph except that not more than 5 percent shall be allowed for grapefruit



having peel more than one inch in thickness at the stem end; or

(1) Any grapefruit which measure less than  $3\frac{1}{16}$  inches in diameter, except that a tolerance of 5 percent, by count, for grapefruit smaller than  $3\frac{1}{16}$  inches shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in the revised U.S. Standards for Grapefruit (California and Arizona), 7 CFR 51.925-51.955: *Provided*, That in determining the percentage of grapefruit in any lot which are smaller than  $3\frac{1}{16}$  inches in diameter, such percentage shall be based only on the grapefruit in such lot which are of a size  $4\frac{1}{16}$  inches in diameter and smaller.

(2) Subject to the requirements of subparagraph (1) (i) of this paragraph, any handler may, but only as the initial handler thereof, handle grapefruit smaller than  $3\frac{1}{16}$  inches in diameter directly to a destination in Zone 4 or Zone 3; and if the grapefruit is so handled directly to Zone 3 the grapefruit does not measure less than  $3\frac{1}{16}$  inches in diameter: *Provided*, That a tolerance of 5 percent, by count, of grapefruit smaller than  $3\frac{1}{16}$  inches in diameter shall be permitted, which tolerance shall be applied in accordance with the aforesaid provisions for the application of tolerances and, in determining the percentage of grapefruit in any lot which are smaller than  $3\frac{1}{16}$  inches in diameter, such percentage shall be based only on the grapefruit in such lot which are  $3\frac{1}{16}$  inches in diameter and smaller.

(3) As used herein, "handler," "variety," "grapefruit," "handle," "Zone 1," "Zone 2," and "Zone 3" shall have the same meaning as when used in said amended marketing agreement and order; the terms "U.S. No. 2" and "well colored" shall have the same meaning as when used in the aforesaid revised U.S. Standards for Grapefruit; and "diameter" shall mean the greatest dimension measured at right angles to a line from the stem to blossom end of the fruit.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: October 8, 1965.

F. L. SOUTHERLAND,  
*Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.*

[F.R. Doc. 65-10921; Filed, Oct. 13, 1965; 8:45 a.m.]

## PART 981—ALMONDS GROWN IN CALIFORNIA

### Subpart—Administrative Rules and Regulations

#### REQUIREMENTS FOR SURPLUS WITHHELD

Pursuant to the marketing agreement, as amended, and Order No. 931, as amended (7 CFR Part 981), regulating the handling of almonds grown in California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), the Almond Control Board has unanimously recom-

mended an amendment of the Subpart—Administrative Rules and Regulations. The subpart is operative pursuant to the order.

The amendment is to § 981.450(b) and establishes procedures when tags in the form of bag control cards furnished by the Board are used by handlers. If such control cards are used, each handler is required upon shipment to remove a specified portion of the tag and send it to the Board with the applicable reporting form on diversion or export and the almonds so identified may be stored, without separation, with lots similar in variety, grade, and size.

After consideration of all relevant information, including the Committee's recommendation, it is found that the amendment of the Subpart—Administrative Rules and Regulations, as herein-after set forth, provides specific implementation of the order, is in accordance with this part, will tend to effectuate the declared policy of the act, and for the reasons hereinafter set forth, should become effective at the time provided herein.

*Therefore, it is hereby ordered*, That the Subpart—Administrative Rules and Regulations be amended as follows:

1. Subparagraphs (2), (3), and (4), of § 981.450(b) are revised to read:

§ 981.450 Requirements for surplus withheld.

(b) Containers and identification of surplus withheld. \* \* \*

(2) Seals, stamps, or tags (including bag control cards) furnished by the Board shall be used to identify each container or lot of surplus almonds; and lots packed in hermetically sealed tins or glass containers may be identified by a stamped or die-cast code mark, or similar means, acceptable to the Board.

(3) No handler shall remove, exchange, or deface any surplus almonds identification of the Board except under supervision of the Board exercised by either the presence of a representative of the Board or specific written authorization, except that, if bag control cards are used for identification, the handler shall remove the portion of the tag above the machine perforation at the time of shipment from his plant, and such portion of the tag shall accompany the applicable ACB Form 14 or 19.

(4) During withholding, no handler shall commingle a lot of almonds which has been withheld and certified as meeting the requirements for surplus pursuant to § 981.51 with any other lot; *Provided*, That,

(i) Lots which are certified and sealed using bag control cards supplied by the Board may be stored without separation with lots which are similar in variety, grade, and size, or

(ii) Lots may be commingled when required or authorized by the Board.

\* \* \* \* \*

It is hereby further found that it is impracticable, unnecessary, or contrary to the public interest to give preliminary notice and engage in public rule making procedure, and that good cause exists for making the provisions hereof effective

upon publication in the FEDERAL REGISTER and not postponing the effective time until 30 days after such publication (5 U.S.C. 1003 (a) and (c)) in that: (1) Handlers are receiving almonds in volume and most handlers are deferring inspection of surplus almonds as they are desirous of using the new identification system as soon as it becomes effective; (2) this action relieves restrictions on surplus almonds identification by providing that surplus almonds identified with bag control cards may be stored without separation with lots which are of similar variety, grade, and size; (3) this action would facilitate inspection and control of surplus almonds in that it will be possible to inspect surplus almonds in-line rather than by floor inspection as is now the case; and (4) handlers are aware of this amendment and the amended portions contain a permissive procedure rather than mandatory thus requiring no additional advance notice to comply therewith.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: October 8, 1965, to become effective upon publication in the FEDERAL REGISTER.

F. L. SOUTHERLAND,  
*Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.*

[F.R. Doc. 65-10922; Filed, Oct. 13, 1965; 8:45 a.m.]

## Title 5—ADMINISTRATIVE PERSONNEL

### Chapter I—Civil Service Commission PART 213—EXCEPTED SERVICE

#### Department of Agriculture

Section 213.3113 is amended to show that the positions of two members and two alternate members of the Board of Forest Appeals are excepted under Schedule A. Effective on publication in the FEDERAL REGISTER, subparagraph (2) is added to paragraph (b) of § 213.3113 as set out below.

§ 213.3113 Department of Agriculture.

\* \* \* \* \*

(b) Office of the Secretary. \* \* \*

(2) The positions of the two members and two alternate members of the Board of Forest Appeals which must be filled under Departmental regulation by persons who have not been Federal employees for two years before appointment. Employment under this exception shall be on a when-actually-employed basis.

\* \* \* \* \*

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954-1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] MARY V. WENZEL,  
*Executive Assistant to the Commissioners.*

[F.R. Doc. 65-10953; Filed, Oct. 13, 1965; 8:48 a.m.]

**PART 213—EXCEPTED SERVICE****Department of the Air Force**

Section 213.3109 is amended to show that one position of Special Assistant in the Office of the Secretary of the Air Force is no longer excepted under Schedule A. Effective on publication in the FEDERAL REGISTER, subparagraph (1) of paragraph (a) of § 213.3109 is amended as set out below.

**§ 213.3109 Department of the Air Force.**

(a) *Office of the Secretary.* (1) Four Special Assistants in the Office of the Secretary of the Air Force. These positions have advisory rather than operating duties except as operating or administrative responsibilities may be exercised in connection with pilot studies.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954-1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] MARY V. WENZEL,  
*Executive Assistant to the Commissioners.*

[F.R. Doc. 65-10954; Filed, Oct. 13, 1965; 8:48 a.m.]

**PART 213—EXCEPTED SERVICE****Post Office Department**

Section 213.3311 is amended to show that the position of Special Assistant to the Assistant Postmaster General (Financial Affairs), Bureau of Facilities, is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (10) is added to paragraph (b) of § 213.3311 as set out below.

**§ 213.3311 Post Office Department.**

(b) *Bureau of Facilities.* \* \* \*

(10) One Special Assistant to the Assistant Postmaster General (Financial Affairs).

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954-1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] MARY V. WENZEL,  
*Executive Assistant to the Commissioners.*

[F.R. Doc. 65-10955; Filed, Oct. 13, 1965; 8:48 a.m.]

**PART 213—EXCEPTED SERVICE****Treasury Department**

Section 213.3305 is amended to show that the position of Confidential Assistant to the Secretary is no longer excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (2) of paragraph (a) of § 213.3305 is revoked.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954-1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] MARY V. WENZEL,  
*Executive Assistant to the Commissioners.*

[F.R. Doc. 65-10956; Filed, Oct. 13, 1965; 8:48 a.m.]

## Title 14—AERONAUTICS AND SPACE

**Chapter I—Federal Aviation Agency**

[Airspace Docket No. 65-SO-75]

**PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS****Alteration of Control Zone**

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to revoke an extension of the New Bern, N.C., control zone.

The New Bern, N.C., radio beacon is scheduled to be decommissioned on December 9, 1965. It is therefore necessary that the control zone extension based on the radio beacon be revoked.

Since this amendment is less restrictive in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., December 9, 1965, as hereinafter set forth.

In § 71.171 (29 F.R. 17581) the New Bern, N.C., control zone (30 F.R. 7372) is amended by deleting "within 2 miles each side of a 221° bearing from the New Bern radio beacon, extending from the 5-mile radius zone to 8 miles SW of the radio beacon."

(Sec. 307(a) of the Federal Aviation Act of 1958; 49 U.S.C. 1348(a))

Issued in East Point, Ga., on October 7, 1965.

JACK G. WEBB,  
*Acting Director, Southern Region.*

[F.R. Doc. 65-10924, Filed, Oct. 13, 1965; 8:45 a.m.]

[Airspace Docket No. 64-CE-99]

**PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS****Alteration of Federal Airways and Designation of Reporting Point**

On March 24, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 3820) stating that the Federal Aviation Agency was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter V-2 and V-255 at Madison, Wis., and would designate the Truax,

Wis., VOR as a low altitude reporting point.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable with the exception of the U.S. Air Force. The Air Force feels that the proposed action would create operational restrictions on its interceptor departures from Truax AFB in view of the recent plans to rescind the Truax Restricted Area/Military Climb Corridor. The Agency recognizes this possibility, however, it feels that procedures can be established that will allow unrestricted interceptor departures.

An evaluation by the Agency revealed that the Truax VOR is unusable as an airway navaid above 7,000 feet MSL. Therefore, the proposal to designate Truax as a low altitude reporting point is withdrawn. However, a flight check revealed that V-2 can be realigned over the Truax VOR by using radials of the Lone Rock, Wis., and Milwaukee, Wis., VOR's and V-255 can be extended and realigned over the Truax VOR by using radials of the Janesville, Wis., and Dells, Wis., VOR's.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., December 9, 1965, as hereinafter set forth.

1. In § 71.123 (29 F.R. 17509, 30 F.R. 1836), V-2 is amended as follows:

"INT of Lone Rock 106° and Milwaukee, Wis., 270° radials;" is deleted and "INT of Lone Rock 105° and Milwaukee, Wis., 272° radials;" is substituted therefor.

2. In § 71.123 (29 F.R. 17509), V-255 is amended as follows:

"To Janesville, Wis., from INT Janesville 333° and Dells, Wis., 156° radials via Dells," is deleted and "Janesville, Wis.; INT Janesville 343° and Dells, Wis., 143° radials; Dells;" is substituted therefor.

(Sec. 307(a) of the Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on October 7, 1965.

DANIEL E. BARROW,  
*Chief, Airspace Regulations and Procedures Division.*

[F.R. Doc. 65-10925; Filed, Oct. 13, 1965; 8:45 a.m.]

[Airspace Docket No. 64-WA-109]

**PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS****Designation of Federal Airway**

On June 12, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 7665) stating that the Federal Aviation Agency was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate a VOR Federal airway from McAllen, Tex., direct to Laredo, Tex., with a ceiling of 9,000 feet MSL.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received with the exception of those from the Department of the Air Force were favorable. The Department of the Air Force objected to the proposed airway on the grounds that it would adversely affect its training program at Laredo AFB. The Agency has carefully considered the Air Force objection and has determined that the designation of the airway would, in fact, provide a safer utilization of the airspace by including the added benefit of air traffic service along this route.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., December 9, 1965, as hereinafter set forth.

Section 71.123 (29 F.R. 17509) is amended as follows:

In V-17 "From Laredo, Tex., via" is deleted and "From McAllen, Tex., via Laredo, Tex.," is substituted therefor. At the end of the description "The airspace above 9,000 feet MSL is excluded between McAllen and Laredo." is added.

(Sec. 307(a) of the Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on October 7, 1965.

DANIEL E. BARROW,  
Chief, Airspace Regulations  
and Procedures Division.

[F.R. Doc. 65-10927; Filed, Oct. 13, 1965;  
8:45 a.m.]

[Airspace Docket No. 65-SO-62]

## PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

### Alteration of Transition Area

On August 31, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 11178) stating that the Federal Aviation Agency was considering amendments to Part 71 of the Federal Aviation Regulations that would alter the transition area at Columbus, Miss.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

Subsequent to the publication of the Notice, the instrument approach procedure to Oktibbeha Airport was realigned from the 276° radial to the 275° radial of the Columbus, Miss., VORTAC. This requires a corresponding realignment of a portion of the 700-foot transition area needed to accommodate the approach procedure. Since this change is minor in nature and imposes no additional burden on the public, it is incorporated in the final rule.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., December 9, 1965, as hereinafter set forth.

In § 71.181 (29 F.R. 17643) the Columbus, Miss., transition area (30 F.R. 3639) is amended to read:

#### COLUMBUS, MISS.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Columbus AFB (latitude 33°38'38" N., longitude 88°26'39" W.); within a 5-mile radius of the Columbus-Lowndes County Airport (latitude 33°27'52" N., longitude 89°22'50" W.) clockwise between a 357° and 297° bearing from the airport and within a 7-mile radius of the Columbus-Lowndes County Airport clockwise between a 297° and a 357° bearing from the airport; within a 5-mile radius of Oktibbeha Airport (latitude 33°29'45" N., longitude 88°41'00" W.); within 2 miles each side of the Columbus VORTAC 101° radial extending from the Columbus-Lowndes County Airport 5-mile radius area to the VORTAC; within 2 miles each side of the Oktibbeha Airport 5-mile radius area to the VORTAC; within 2 miles each side of the Columbus VORTAC 101° radial extending from the Columbus-Lowndes County Airport 5-mile radius area to the VORTAC; within 2 miles each side of a 180° bearing from the Columbus-Lowndes County Airport extending from the 5-mile radius area to 8 miles S of the airport; and that airspace extending upward from 1,200 feet above the surface within a 40-mile radius of Columbus AFB excluding that portion which coincides with the Tupelo, Miss., transition area; including that airspace SE of the 40-mile radius area bounded on the NE by V-278S, on the E by a 19-mile radius arc centered on the Tuscaloosa, Ala., VOR, on the SE by V-18, and on the W by longitude 88°00'00" W.; including that airspace N of the 40-mile radius area, bounded on the W by the Tupelo, Miss., transition area, on the N by V-176 and on the E by longitude 87°55'00" W.; and that airspace extending upward from 5,000 feet above mean sea level within 5 miles each side of the Caledonia VOR 310° radial extending from the 40-mile radius area to longitude 89°20'00" W., excluding that portion which coincides with the Tupelo, Miss., transition area; and that airspace extending upward from 10,000 feet above mean sea level SW of the 40-mile radius area bounded on the N by V-278, on the W by longitude 89°17'00" W., on the S by latitude 33°03'00" N., and on the SE by a line extending from latitude 33°03'00" N., longitude 88°57'40" W. to the intersection of longitude 88°47'00" W. and the 40-mile radius arc centered on Columbus AFB.

(Sec. 307(a) of the Federal Aviation Act of 1958; 49 U.S.C. 1348(a))

Issued in East Point, Ga., on October 6, 1965.

JACK G. WEBB,  
Acting Director, Southern Region.

[F.R. Doc. 65-10928; Filed, Oct. 13, 1965;  
8:45 a.m.]

[Airspace Docket No. 65-SO-76]

## PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

### Revocation of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to revoke the transition area at Lumberton, N.C.

The Lumberton, N.C., transition area is presently designated as that airspace extending upward from 700 feet above the surface within a 5-mile radius of the Lumberton Municipal Airport (latitude 34°36'36" N., longitude 79°03'30" W.); within 2 miles each side of the 301° bear-

ing from the Lumberton RBN, extending from the 5-mile radius area to 8 miles NW of the RBN.

The Lumberton, N.C., radio beacon is scheduled to be decommissioned on November 11, 1965. It is therefore necessary that the Lumberton transition area be revoked.

Since this amendment lessens the burden on the public, notice and public procedure hereon are unnecessary and the amendment may become effective without regard to the 30-day statutory period.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., November 11, 1965, as hereinafter set forth.

In § 71.181 (29 F.R. 17643) the Lumberton, N.C., transition area (30 F.R. 201) is revoked.

(Sec. 307(a) of the Federal Aviation Act of 1958; 49 U.S.C. 1348(a))

Issued in East Point, Ga., on October 7, 1965.

JACK G. WEBB,  
Acting Director, Southern Region.

[F.R. Doc. 65-10929; Filed, Oct. 13, 1965;  
8:45 a.m.]

[Airspace Docket No. 65-SO-77]

## PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

### Revocation of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to revoke the transition area at Aiken, S.C.

The Aiken, S.C., transition area is presently designated as that airspace extending upward from 700 feet above the surface within a 6-mile radius of the Aiken Airport (latitude 33°39'10" N., longitude 81°41'25" W.); within 2 miles each side of the 289° bearing from the Aiken RBN, extending from the 6-mile radius area to 8 miles W of the RBN.

The Aiken, S.C., radio beacon is scheduled to be decommissioned on November 11, 1965. It is therefore necessary that the Aiken transition area be revoked.

Since this amendment lessens the burden on the public, notice and public procedure hereon are unnecessary and the amendment may become effective without regard to the 30-day statutory period.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., November 11, 1965, as hereinafter set forth.

In § 71.181 (29 F.R. 17643) the Aiken, S.C., transition area is revoked.

(Sec. 307(a) of the Federal Aviation Act of 1958; 49 U.S.C. 1348(a))

Issued in East Point, Ga., on October 7, 1965.

JACK G. WEBB,  
Acting Director, Southern Region.

[F.R. Doc. 65-10930; Filed, Oct. 13, 1965;  
8:46 a.m.]

[Airspace Docket No. 65-SO-9]

**PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS****PART 75—ESTABLISHMENT OF JET ROUTES****Alterations of Federal Airways and Jet Routes**

On July 24, 1965, a notice of proposed rule making was published in the *FEDERAL REGISTER* (30 F.R. 9277) stating that the Federal Aviation Agency proposed to alter airways and jet routes in the vicinity of Memphis, Tenn.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

The notice stated that in V-69 the "INT of the Little Rock 062° and Memphis 276° radials would be replaced by the INT of the Pine Bluff 040° T (034° M) and the Walnut Ridge, Ark., (187° M) radials." The Walnut Ridge radial should have read "187° T (182° M) radials." The correct radial is reflected herein.

In consideration of the foregoing, Parts 71 and 75 of the Federal Aviation Regulations are amended, effective December 9, 1965, as hereinafter set forth.

a. Section 71.123 (29 F.R. 17509, 30 F.R. 9261, 10287, 6241, 9000, 9262, 1836) is amended as follows:

1. In V-9 "via INT of Greenwood 027° and Memphis 168° radials" and "via INT of Memphis 345° and Malden 195° radials" are deleted.

2. In V-11 "Memphis 345°" and "Memphis 066°" are deleted and "Memphis 346°" and "Memphis 063°" respectively are substituted therefor.

3. In V-16 "Pine Bluff, Ark.; INT of Pine Bluff 067° and Memphis, Tenn., 241° radials; Memphis, including an N alternate via INT of Pine Bluff 052° and Memphis 276° radials and also an S alternate via INT of Pine Bluff 082° and Memphis 225° radials; Jacks Creek, Tenn.; Graham, Tenn., including an S alternate from Memphis to Graham via INT of Memphis 081° and Graham 238° radials; Nashville, Tenn.," is deleted and "Pine Bluff, Ark.; Memphis, Tenn., including an S alternate; Jacks Creek, Tenn.; Graham, Tenn., including an S alternate from Memphis to Graham via INT of Memphis 078° and Graham 238° radials; Nashville, Tenn.," is substituted therefor.

4. V-54 is amended to read: "From Waco, Tex., via INT of Waco 037° and Quitman, Tex., 243° radials; Quitman; Texarkana, Ark.; INT of Texarkana 052° and Little Rock, Ark., 235° radials; Little Rock, including an N alternate from Texarkana to Little Rock via INT of Texarkana 037° and Hot Springs, Ark., 223° radials and Hot Springs; Memphis, Tenn., including an N alternate; Muscle Shoals, Ala., including an N alternate via INT of Memphis 078° and Muscle Shoals 293° radials, and also an S alternate from Memphis to Muscle Shoals

via Holly Springs, Miss., INT of Holly Springs 099° and Muscle Shoals 255° radials; Huntsville, Ala.; Chattanooga, Tenn., including an N alternate via INT of Muscle Shoals 067° and Chattanooga 282° radials; Spartanburg, S.C.; Fort Mill, S.C.; INT of Fort Mill 069° and Pinehurst, N.C., 281° radials; to Pinehurst.

5. In V-69 "INT of Little Rock, Ark., 062° and Memphis, Tenn., 276° radials;" is deleted and "INT of the Pine Bluff 040° and Walnut Ridge, Ark., 187° radials;" is substituted therefor.

6. V-176 is amended to read: "From Memphis, Tenn., via Holly Springs, Miss.; Hamilton, Ala., including an S alternate from Memphis to Hamilton via INT of Memphis 136° and Hamilton 273° radials; INT of Hamilton 122° and Birmingham, Ala., 298° radials; to Birmingham, including an N alternate from Holly Springs to Birmingham via INT of Holly Springs 099° and Birmingham 313° radials.

b. Section 75.100 (29 F.R. 17776, 30 F.R. 7100) is amended as follows:

1. In Jet Route No. 35 "INT of the Jackson 355° and the Memphis, Tenn., 191° radials; Memphis;" is deleted and "Memphis, Tenn.," is substituted therefor.

2. The text of Jet Route No. 71 is amended to read: "From Memphis, Tenn., via INT of Memphis 354° and Centralia, Ill., 199° radials; Centralia; to Northbrook, Ill."

(Sec. 307(a) of the Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on October 7, 1965.

DANIEL E. BARROW,  
Chief, Airspace Regulations  
and Procedures Division.

[F.R. Doc. 65-10926; Filed, Oct. 13, 1965; 8:45 a.m.]

[Airspace Docket No. 65-WE-57]

**PART 73—SPECIAL USE AIRSPACE****Alteration of Restricted Area**

On July 7, 1965, a notice of proposed rule making was published in the *FEDERAL REGISTER* (30 F.R. 8590) stating that the Federal Aviation Agency was considering amendments to Part 73 of the Federal Aviation Regulations that would alter Restricted Area R-4810 at Desert Mountains, Nev.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., December 9, 1965, as hereinafter set forth.

In § 73.48 (29 F.R. 17754, 30 F.R. 7100, 11031), Restricted Area R-4810 is amended as follows:

"Time of designation. One hour prior to sunrise to one hour after sunset, Monday through Friday." is deleted and "Time of designation. Continuous,

Monday through Saturday." is substituted therefor.

(Sec. 307(a) of the Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on October 7, 1965.

CHARLES W. CARMODY,  
Acting Director,  
Air Traffic Service.

[F.R. Doc. 65-10931; Filed, Oct. 13, 1965; 8:46 a.m.]

**Title 21—FOOD AND DRUGS****Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare****PART 8—COLOR ADDITIVES****PART 130—NEW DRUGS****FD&C Red No. 4**

A. The Pharmaceutical Manufacturers Association, Washington, D.C., has requested that the transitional color additive regulations, as amended on August 19, 1965 (30 F.R. 10289), be further amended to provide for limited use of FD&C Red No. 4 as a color for ingested drugs.

The additional studies referred to in the aforementioned August 19, 1965, order show that limited use of FD&C Red No. 4 in certain ingested drugs would not be contrary to the public health.

Therefore, pursuant to the authority vested in the Secretary of Health, Education, and Welfare by Title II of the Color Additives Amendments of 1960 (Title II, Public Law 86-618; 74 Stat. 404 et seq.; 21 U.S.C., note under 376) and delegated to the Commissioner of Food and Drugs (21 CFR 2.90), the transitional color additive regulations are amended as set forth below:

1. Section 8.503(c) is amended by adding two new sentences to subparagraph (2) and one new sentence to subparagraph (3) (ii). As amended, the affected portions read as follows:

**§ 8.503 Temporary tolerances.**

(c) \* \* \*

(2) It may be used without quantitative restriction in externally applied drugs and cosmetics. It may be used in ingested drugs, provided that the labeling does not recommend nor suggest continuous administration to patients, and the amount of FD&C Red No. 4 used is such that not more than 5 milligrams of the color additive is consumed per day if the recommended drug dosage is followed. For the purpose of this order, a recommendation or suggestion for use longer than 6 weeks shall be considered to be a recommendation for continuous administration.

(3) \* \* \*

(ii) The following statement or its equivalent: "This color additive may be used in or on food only for coloring maraschino cherries at a level not to exceed 150 p.p.m. by weight of the mara-

schino cherries. Such weight shall not include packing media, or in the case of candied maraschino cherries, added sugar. It may be used in externally applied drugs and cosmetics without quantitative restriction. Use in ingested drugs is subject to quantity and period of use restrictions. Consult Color Additive Regulations of the U.S. Food and Drug Administration before using."

2. Section 8.510(c) is amended by inserting after the words "ingested drugs" in both places in the first sentence, the parenthetical phrase "(except for limited use as provided in § 8.503(c))". As amended, the first sentence of paragraph (c) reads as follows:

**§ 8.510 Cancellation of certificates.**

(c) Certificates issued heretofore for the color additive designated FD&C Red No. 4 (§ 9.63 of this chapter) and of all mixtures containing this color additive were canceled effective June 9, 1965, insofar as food (except maraschino cherries as provided in § 8.503(c)), ingested drugs (except for limited use as provided in § 8.503(c)) and ingested cosmetics are concerned, and use of this color additive in the manufacture of food (except maraschino cherries as provided in § 8.503(c)) and ingested drugs (except for limited use as provided in § 8.503(c)) and ingested cosmetics after that date will result in adulteration. \* \* \*

B. In keeping with the amendment to the transitional color additive regulations as promulgated on August 19, 1965 (30 F.R. 10289), and the current amendments to § 8.503(c), and pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 505, 701, 52 Stat. 1052, 1055 as amended; 21 U.S.C. 355, 371) and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90), § 130.36(a) of Subpart A, Part 130, is amended to read:

**§ 130.36 FD&C Red No. 4; procedure for discontinuing use in new drugs for ingestion; statement of policy.**

(a) Section 8.502(d) of this chapter published December 11, 1964 (29 F.R. 16983), terminated the provisional listing of FD&C Red No. 4 for use in drugs that may be ingested and canceled the effectiveness of certificates for this color additive and mixtures containing it as of June 9, 1965 (§ 8.510(c) of this chapter), insofar as ingested drugs are concerned. On August 19, 1965 (30 F.R. 10289), FD&C Red No. 4 was restored to provisional listing by amendment to § 8.501(a), which restricted the use of the color to the terms of § 8.503. The use of FD&C Red No. 4 or mixtures containing it in the manufacture of ingested drugs (except for limited use as provided in § 8.503) will result in adulteration and may constitute grounds for withdrawing approval of drugs for which a new-drug approval is in effect.

Notice and public procedure and delayed effective date are not necessary prerequisites to the promulgation of the

color additive amendment in this order because section 203(d) (2) of Public Law 86-618 so provides. The amendment to Part 130 is editorial in nature.

**Effective date.** This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Title II, Public Law 86-618; 74 Stat. 404 et seq.; 21 U.S.C. note under 376; secs. 505, 701, 52 Stat. 1052, 1055 as amended; 21 U.S.C. 355, 371)

Dated: October 7, 1965.

GEO. P. LARRICK,  
*Commissioner of Food and Drugs.*

[F.R. Doc. 65-10962; Filed, Oct. 13, 1965;  
8:48 a.m.]

## Title 43—PUBLIC LANDS: INTERIOR

### Chapter II—Bureau of Land Management, Department of the Interior

#### APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 3847]

[Anchorage 062131]

#### ALASKA

#### Revocation of Public Land Order No. 316

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Public Land Order No. 316 of March 5, 1946, withdrawing the following described lands for use of the Reconstruction Finance Corporation, is hereby revoked:

##### JAKOLOF BAY AREA

Beginning at a point on the south shore of Jakolof Bay, Kenai Peninsula, Alaska, in approximate latitude 59°28' N., longitude 151°34' W. from which the NE corner of U.S. Survey No. 2675, known as Red Mountain at the junction of Kasitsna and Jakolof Bays bears northwesterly  $\frac{1}{2}$  mile along the shore of Jakolof Bay; thence

Southeasterly along the shore of Jakolof Bay, 1 mile;

Southwesterly at right angles to the shore,  $\frac{1}{2}$  mile;

Northwesterly parallel to the shore of Jakolof Bay, 1 mile;

Northeasterly  $\frac{1}{2}$  mile to place of beginning. Containing approximately 320 acres.

The lands are located near Seldovia, Alaska.

2. Until 10 a.m. on January 7, 1966, the State of Alaska shall have a preferred right to select the lands released from withdrawal by this order in accordance with the provisions of the Act of July 28, 1956 (70 Stat. 709; 48 U.S.C. 46-3b), and section 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339), and the regulations in 43 CFR 2222.9.

3. This order shall not otherwise become effective to change the status of the lands until 10 a.m. on January 7, 1966. At that time they shall be open to the operation of the public land laws generally, including the mining and mineral leasing laws, subject to valid

existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on January 7, 1966, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

4. Any disposals of the lands described in paragraph 1 of this order shall be subject to the right, title, and interest of the United States in and to ores stockpiled on the lands, and to the right of the United States to remove the same at its convenience.

Inquiries concerning the lands should be addressed to the Manager, District and Land Office, Bureau of Land Management, Anchorage, Alaska, 99501.

HARRY R. ANDERSON,  
*Assistant Secretary of the Interior.*

OCTOBER 7, 1965.

[F.R. Doc. 65-10935; Filed, Oct. 13, 1965;  
8:46 a.m.]

[Public Land Order 3848]

[Anchorage 062192]

#### ALASKA

#### Partial Revocation of Executive Orders No. 2242 of August 31, 1915 and No. 3672 of May 8, 1922

By virtue of the authority vested in the President by section 1 of the Act of March 12, 1914 (38 Stat. 305; 48 U.S.C. 303) and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Executive Orders No. 2242 of August 31, 1915 and No. 3672 of May 8, 1922, withdrawing lands for townsite purposes, are hereby revoked so far as they affect the following described lands:

Anchorage Townsite, East Addition, Block 31-B.

Anchorage Townsite, Fourth Addition, Tracts 1 to 3, incl., and 7 to 10, incl.

The areas described aggregate 64.50 acres.

2. Until 10 a.m. on January 8, 1966, the State of Alaska shall have a preferred right to select the lands released from withdrawal by this order subject to the requirements and limitations of the Act of July 28, 1956 (70 Stat. 709; 48 U.S.C. 46-3b), section 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339) and the regulations in 43 CFR 2222.9.

3. This order shall not otherwise become effective to change the status of the lands until 10 a.m. on January 8, 1966. At that time they shall be opened to the operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable land law. All valid applications received at or prior to 10 a.m. on January 8, 1966, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

Inquiries concerning the lands should be addressed to the Manager, Anchorage



District and Land Office, Bureau of Land Management, Anchorage, Alaska, 99501.

HARRY R. ANDERSON,  
Assistant Secretary of the Interior.

OCTOBER 8, 1965.

[F.R. Doc. 65-10936; Filed, Oct. 13, 1965;  
8:46 a.m.]

## Title 47—TELECOMMUNICATION

### Chapter I—Federal Communications Commission

[Docket No. 14864; FCC 65-913]

#### PART 0—COMMISSION ORGANIZATION

#### PART 1—PRACTICE AND PROCEDURE

#### Miscellaneous Amendments

*Memorandum Opinion and Order.* In the matter of new § 0.418 and amendment of § 0.417 (formerly in 0.406), 1.580 (formerly 1.359), and 1.594 (formerly in 1.362) of the Commission's rules relating to inspection of records, to pre-grant procedures, and to local notice of filing or of designation for hearing of broadcast applications; Docket No. 14864.

1. In a Report and Order (30 F.R. 4543, April 8, 1965) in this proceeding the Commission amended its rules to require broadcast applicants, permittees, and licensees to maintain files open for public inspection in the communities served or proposed to be served by them. Such files are required to contain certain applications and related material already open for public inspection at the offices of the Commission in Washington, D.C. The new rules became effective May 14, 1965.<sup>1</sup> The Commission now has before it three timely petitions for reconsideration of the report and order. We also note certain other informal petitions and letters filed by broadcasters, state broadcasters associations, and members of Congress.<sup>2</sup>

<sup>1</sup> Petitions for stay of the effective date were denied in a Memorandum Opinion and Order (FCC 65-413) adopted May 12, 1965.

<sup>2</sup> Petitions for reconsideration were filed by the National Association of Broadcasters; the law firm of Grove, Paglin, Jaskiewicz, Selis, Gilliam, and Putbrese; and, jointly, by Basic Communications, Inc., and 21 other broadcast licensees. So-called "Reply Comments" to the petitions for reconsideration were separately filed by the Lotus Theatre Corp., Piedmont Publishing Co., Tri-State Radio, Inc., and WCUE Radio, Inc. In substance, they are petitions for reconsideration and were filed after May 10, 1965, the last day for filing such petitions. They are unaccompanied by separate pleadings for leave to file as required by § 1.106(f) of the rules and are therefore not accepted. In any event, they contain no arguments which move us to alter our previous decision. State associations filing informal petitions were the Illinois Broadcasters Association, Kansas Association of Radio Broadcasters, Missouri Broadcasters Association, Montana Broadcasters Association, South Carolina Broadcasters Association, the Washington State Association of Broadcasters, and the Indiana Broadcasters Association, Inc.

2. The petitions contain no new matter not previously considered by the Commission in adopting the report and order, and, with one exception, we see no reason for changing our views. For example, it is urged that the local files should contain only the programming portion of applications since this is the only portion in which the public is interested. In addition, it is stated that the programming parts of applications are too technical for the public to understand. These arguments were considered in paragraphs 14 and 15 of the report and order. It is also argued that principal use of the files will be made by cranks or curiosity seekers, that the legitimate public will not bother to inspect them, and that therefore the files will not contribute to a dialogue between the licensees and the public. Paragraphs 5 through 12 of the report and order gave consideration to these matters. The exception mentioned above has to do with the argument, made in the petitions for reconsideration as well as in comments filed in response to the notice, that the engineering information required to be kept as a part of applications in the local file is too technical for use by the general public. On reconsideration, we are impressed by this argument. It appears that our purposes would be adequately served by making available to the local public information concerning transmitter and main studio locations and the service contours of a station—material which presently is submitted with other engineering data. Those maintaining the files, if they choose to do so, may also keep in them other engineering information, but they will not be required to do so. The rules in the attached Appendix are accordingly amended to require the file to contain transmitter and main studio locations and service contours, but no other engineering information.<sup>3</sup>

3. Other examples of objections raised are those directed against the keeping of financial information in the files where it will be available to competitors, and those which raise questions about the lack of a specific retention period for keeping the files and the possibility that files may become too bulky and full of material to be useful. Although the financial question was dealt with in paragraph 15 of the report and order, and the matters of size and retention period were treated in paragraphs 17, 20, and 29, we believe that it may be helpful to elaborate further on these topics. Accordingly, we shall discuss them in the immediately following paragraphs. After that discussion, the remainder of this document will be devoted to questions which have arisen as to how to comply with the new rules, and to relatively minor changes in the rules which we are making, the necessity for which became apparent since the report and order was issued.

<sup>3</sup> We are extending this map and location information requirement to all stations, whether or not they have filed applications required to be kept in a local file.

*Financial information.* 4. There has apparently been considerable misunderstanding concerning the keeping of financial information in the local file. Some broadcasters seem to think that the new rules require them to open their books and all other financial information to the local public. This is not so. The new rules require certain applications to be in the local file. Those applications contain various sections, one of which contains financial information. That information, as we stated in the report and order (par. 15) contains estimates of costs of installation, expected revenues, and plans for financing. It also includes a balance sheet as of the close of the month within 90 days of the date of the application showing the applicant's financial position. This material affords the Commission a reasonable basis for determining whether the applicant is financially capable of carrying forward the broadcasting operation which it seeks to undertake.

5. There is no requirement that financial information not called for in the application be in the file. Thus, the applicant's books are not open to the local public. Nor is the annual financial report (FCC Form 324) which is filed with the Commission in Washington and which shows revenues and expenditures. However, if the applicant voluntarily chooses to incorporate such reports by reference into material required to be kept in the local file, then the reports must also appear there. As stated in the report and order (par. 22), the purpose of disclosure of information to the local public would be defeated if items could be incorporated by reference without appearing in the file.

6. This rationale is not novel. For years the following instruction has appeared on the first page of section I of various broadcast application forms with regard to material incorporated by reference:

Information called for by this application which is already on file with the Commission need not be refiled in this application provided (1) the information is now on file in another application or FCC form filed by or on behalf of this applicant; (2) the information is identified fully by reference to the file number (if any), the FCC form number, and the filing date of the application or other form containing the information and the page or paragraph referred to, and (3) after making the reference, the applicant states: "No change since date of filing." Any such reference will be considered to incorporate into this application all information, confidential or otherwise, contained in the application or other form referred to. The incorporated application or other form will thereafter, in its entirety, be open to the public.

Therefore, if information appearing in an annual financial report, not normally open to the public at the offices of the Commission in Washington, is incorporated by reference into an application on file with the Commission, it is no longer afforded the same privileged status with regard to inspection in Washington. The requirements of the new rules with regard to the local files merely follow this policy.

*Retention period and size of file.* 7. In the report and order (par. 29), while observing that specific time periods for retention of records in the local file had been suggested by commenting parties, we chose to follow the course of action mentioned in the notice herein and establish retention limits after experience under the new rules had accrued. It is now suggested that our failure to establish a definite retention period is indicative of our uncertainty and lack of expertise with regard to the new rules, and it is implied that those rules are therefore founded on such shaky ground that they should be rescinded. This does not follow. It is one thing to recognize the necessity of requiring local files to implement Congressional policy that the public be informed; and for reasons mentioned in the report and order we are convinced that such files should be maintained. It is quite another, and relatively minor, thing to decide that experience with the new provisions is necessary before a definite retention period is established, and leaving this question open in no way negates the validity of the determination that a local file is essential. As to the size of the file, it is urged that only current material be kept in the file lest it become too bulky and unusable by the lay person. It may be that this suggestion has merit, but we think it a wiser course to defer judgment until experience is obtained. In any event, for some time to come the files, being new, will only contain current material.

*Details concerning compliance with the new rules.* 8. The new rules state that "The file shall be maintained at the main studio of the station or at any other accessible place \* \* \* in the community \* \* \*". Counsel for one broadcaster has asked whether, if a licensee of a broadcast station also owns a newspaper in the same community, it would be permissible to maintain a file at the main studio of the station containing everything except ownership reports, and to keep such reports open for inspection at the offices of the newspaper. To permit this, we believe, would work against the purpose of the new rules which is to make information readily available to members of the public locally. For example, it is conceivable that a studio might be located in one part of town and the newspaper offices in another, far distant. Under such circumstances, there could be a distinct inconvenience to members of the public wishing to see material at both offices—an inconvenience which translates itself into a lack of ready availability. The reason for allowing the file to be maintained either at the main studio or other accessible place is not to permit division of the file. Rather, the provision was designed to cover situations in which an applicant does not have a studio, as, for example, in the case of an applicant for a construction permit for a new station. Of course, if for some reason a licensee with a studio desires to keep the file elsewhere, this is permissible under the rule, but splitting of the file is not.

We believe that the present wording of the rule is adequate and need not be refined to the point of specifying no splitting.

9. The rules require that copies of ownership reports filed after May 13, 1965, shall appear in the local files together with material such as correspondence or supplemental information relating to those reports. They also require that copies of specified applications filed after May 13, 1965, and related material such as correspondence, exhibits, and amendments be kept in the local files. These applications consist, for the most part, of those concerning which local notice must be given under the provisions of §§ 1.580 and 1.594 of the Commission rules. The former section requires that local notice be given when certain applications are tendered for filing. The latter calls for the giving of local notice when any such applications are subsequently designated for hearing.

10. Although not mentioned in the petitions for reconsideration, three questions have been raised informally which require discussion. These questions are as follows: (1) If material such as correspondence or supplemental information concerning applications or ownership reports is filed with the Commission after May 13, 1965, must copies appear in the local files if the applications or ownership reports to which the material is related were filed on or before May 13, 1965? If such material must be available locally, then is it considered to incorporate by reference the applications and ownership reports so that copies of such applications and reports must be in the file also? (2) The rules require that if local notice concerning an application must be given under the provisions of § 1.594 when the application is designated for hearing, a copy of the application and related material must be placed in the local file. A question has been raised as to applications which were filed on or before May 13, 1965 (and therefore not required to be placed in the local file), and designated for hearing after that date with local notice given. Must the application be placed in the file at the time of designation? (3) The rules require that if local notice concerning an application must be given under the provisions of § 1.580, the application must be placed in the local file. Section 1.580 states that certain applications and major amendments thereto shall be the subject of local notice. A question has been raised as to applications which are subject to the provisions of § 1.580 and which were filed on or before May 13, 1965, and therefore were not required to be placed in a local file. What if after May 13, a major amendment to such an application is filed? Local notice must be given and the application containing the major amendment must be placed on file locally. Does the application with the major amendment incorporate by reference the original application and related material and therefore require their presence in the local file?

11. With regard to the first of the questions above, the language of the

rules is clear. Divested of qualifying phrases, it says that a copy of specified applications tendered for filing after May 13, 1965, and material related to such applications, shall be kept in the local file, together with ownership reports filed after May 13, 1965, and material related to such reports. Thus there is no requirement that applications tendered for filing before May 13 be in the local file and no requirements that material related to such applications be in the file. The same is true with regard to ownership reports.

12. As to the second question, we are of the opinion that, as the rule now reads, the application would have to be placed in the local file at the time of designation for hearing. However, we believe that in many cases this would work a hardship on the applicant because there might be a great volume of material that would have to be collected and placed in the file. We believe it the better course not to require the application or related material to be placed on file locally in such cases and are adding a note to the § 1.526 governing the matter.

13. Our thoughts on the third question are similar. There are numerous applications of long standing on file with the Commission which for a multitude of reasons have not been acted on. Many of the files containing such applications are voluminous. If such files were required to be duplicated locally when major amendments pertaining to them are filed, it would work a hardship on the applicant. We have considered requiring a copy of the application containing the major amendment to be placed in the local file without a copy of the original application, but have discarded this on the ground that without the original application the amendment often might not be meaningful. We are adding a note to § 1.526 giving effect to the foregoing views.

14. The new rules state that local files are to be kept for all broadcast stations. Some have asked whether this includes television broadcast translator stations. In drafting the rules, it was our intention to include such stations because we believed that some members of the communities they serve might be able to give helpful suggestions concerning the operation thereof. However, on further consideration, we believe that such stations should be exempted. Since these stations do not originate programming, there is not the same degree of importance in having files available locally as in the case of regular stations which do. Moreover, since translator stations do not have studios and are often licensed to service very small communities, it may often be difficult to find an appropriate place for the file to be kept. Under the circumstances, and also taking into account that many translators are non-profit operations, we believe exemption from the general principle of local availability is warranted. The rules, therefore, are being appropriately amended to exempt television broadcast translator stations.

*Other matters.* 15. As adopted, the rules require the local file to contain cer-

tain applications, amendments thereto, copies of documents incorporated by reference therein, exhibits, letters and other related documents, initial decisions, and final decisions. In paragraph 20 of the report and order, discussing what material should be maintained locally, we stated that we did not believe the file should contain pleadings, briefs, transcripts of testimony, and depositions pertaining to hearings on an application because such material would be likely to make it so large and cumbersome that its practical utility as a source of information for the average member of the public would be restricted. We are still of that view. However, since adopting the rules, it has been called to our attention that it might prove helpful for members of the public to be aware of petitions to deny applications appearing in the file. Such petitions were not specifically listed among the materials to be kept in the file. We agree that public awareness of the existence of such petitions may be of value. However, since such pleadings may at times be lengthy, and the applicant may only be served with one copy, we do not believe that the applicant should be required to make a copy to put in the file. Instead, the rules are here amended to require the applicant to place in the file a statement that a petition to deny the application has been filed (if it has been properly served on the applicant), giving the name and address of the party filing such a petition.

16. Although it is clear from the report and order that nothing need be kept in the local file that is not open for public inspection in the offices of the Commission in Washington, we are adding to the rules language to that effect so that there may be no doubts in this regard. In this connection, our attention was directed to Item 3, page 1, section I of the FCC Form 302. This item requires applicants filing Form 302 (the application for a license to cover a construction permit) to supply as an exhibit a copy of a network affiliation contract if network programs are to be broadcast. Although normally the Form 302 is not required to be in the local file, it is conceivable that in rare instances programming changes might be made in submitting the application, in which case the rules would require its presence there. If that were so, then, under the provisions of the rules as adopted, the network affiliation contract, an exhibit, would also have to be in the file for public inspection. By adding the language mentioned at the beginning of this paragraph, the exhibit would not have to be in the file since it is not open for public inspection in Washington.<sup>4</sup>

17. An amendment to § 0.417 of the rules, which we adopt today, is necessary to eliminate confusion on the latter point. As stated above, FCC Form 302 requires an applicant to file network affiliation contracts as exhibits. Section 0.417(a)(5) makes exhibits accompany-

ing applications filed under Title III of the Act open to public inspection at the offices of the Commission. Thus, read alone, it means that network affiliation contracts filed with the Form 302 are open to the public in Washington. However, § 0.417(c)(1) states that such contracts, when filed in accordance with § 1.613 of the rules, are not normally open to the public. This provision was intended to govern all such contracts whether filed in connection with § 1.613 or as an exhibit with the Form 302. To eliminate doubt, we are amending § 0.417(a)(5) to state that network affiliation contracts filed as exhibits with the 302 are not open to the public.

18. The report and order amended § 1.580(f) by adding subparagraph (10) which requires the local notice, given in regard to certain applications, to contain a statement that the application is on file for public inspection at a stated address in the community. (Section 1.594(d) was similarly amended for notice in connection with applications designated for hearing.) Through oversight, the introductory text of paragraph (f) was not amended to mention the new subparagraph. The appendix herein contains the necessary correction.

Orders. 19. Authority for the adoption of the amendments to the rules herein is contained in sections 4(i), 303(r), 311, and 405 of the Communications Act of 1934, as amended.

20. In view of the foregoing: *It is ordered*, That, effective November 15, 1965, Parts 0 and 1 of the Commission rules and regulations are amended as set forth below.

21. *It is further ordered*, That the "Petition for Reconsideration" filed jointly by Basic Communications, Inc., and 21 other broadcast licensees on May 10, 1965, is granted insofar as it is consistent with the action taken herein, and in all other respects is denied; and That the "Petition for Reconsideration and Request for Immediate Stay of Effective Date Pending its Consideration by the Commission" filed by the National Association of Broadcasters on April 28, 1965, and the "Petition for Reconsideration and Request for Immediate Stay of Effective Date Pending its Consideration by the Commission" filed by the law firm of Grove, Paglin, Jaskiewicz, Sells, Gilliam, and Putresse on April 14, 1965, insofar as they petition for reconsideration of the report and order in this proceeding are granted to the extent that they are consistent with the action taken herein, and in all other respects are denied.

22. *It is further ordered*, That this proceeding is terminated.

Adopted: October 6, 1965.

Released: October 8, 1965.

(Secs. 4, 303, 405, 48 Stat. 1066, 1082, 1095, as amended; sec. 311, 74 Stat.; 47 U.S.C. 154, 303, 405, 311)

FEDERAL COMMUNICATIONS  
COMMISSION,<sup>5</sup>

[SEAL] BEN F. WAPLE,  
Secretary.

<sup>4</sup> Commissioner Hyde absent; partly concurring statement of Commissioner Loevinger filed as part of original document.

1. Section 0.417 of the Commission's rules and regulations is hereby amended by designating the present Note at the end of subparagraph (5) of paragraph (a) as Note 1, and adding a new Note 2 as follows:

#### § 0.417 Inspection of records.

(a) \* \* \*

(5) \* \* \*

NOTE 2: Network affiliation contracts attached as an exhibit or incorporated by reference in accordance with the requirements of Item 3, section 1, of FCC Form 302, are not normally open to public inspection. See paragraph (c) of this section.

2. Paragraph (a) of § 1.526 of the Commission's rules and regulations is hereby amended to read as follows:

#### § 1.526 Records to be maintained locally for public inspection by applicants, permittees, and licensees.

(a) *Records to be maintained.* Every applicant for a construction permit for a new station in the broadcast services shall maintain for public inspection a file for such station containing the material in subparagraphs (1) and (3) of this paragraph, and every permittee or licensee of a station in the broadcast services shall maintain for public inspection a file for such station containing the material in subparagraphs (1), (2), (3), (4), and (5) of this paragraph: *Provided, however*, That the foregoing requirements shall not apply to applicants for or permittees or licensees of television broadcast translator stations. The material to be contained in the file is as follows:

(1) A copy of every application tendered for filing by the applicant for such station after May 13, 1965, pursuant to the provisions of this part, with respect to which local public notice is required to be given under the provisions of § 1.580 or § 1.594; and all exhibits, letters, and other documents tendered for filing as part thereof, all amendments thereto, copies of all documents incorporated therein by reference, all correspondence between the Commission and the applicant pertaining to the application after it has been tendered for filing, and copies of Initial Decisions and Final Decisions in hearing cases pertaining thereto, which according to the provisions of § 0.417 of this chapter are open for public inspection at the offices of the Commission. Information incorporated by reference which is already in the local file need not be duplicated if the entry making the reference sufficiently identifies the information so that it may be found in the file, and if there has been no change in the document since the date of filing and the applicant, after making the reference, so states. If petitions to deny are filed against the application, and have been duly served on the applicant, a statement that such a petition has been filed shall appear in the local file together with the name and address of the party filing the petition.

NOTE: Applications tendered for filing on or before May 13, 1965, which are subsequently designated for hearing after May 13, 1965, with local notice being given pursuant to the provisions of § 1.594, and material

<sup>4</sup> Attention is invited to a pending proceeding in Docket 14710 in which the question of whether the rules should be amended to permit public inspection of network affiliation contracts is under consideration.



related to such applications, need not be placed in the file required to be kept by this section. Applications tendered for filing after May 13, 1965, which contain major amendments to applications tendered for filing on or before May 13, 1965, with local notice of the amending application being given pursuant to the provisions of § 1.580, need not be placed in the file required to be kept by this section.

(2) A copy of every application tendered for filing by the licensee or permittee for such station after May 13, 1965, pursuant to the provisions of this part, which is not included in subparagraph (1) of this paragraph and which involves changes in program service, which requests an extension of time in which to complete construction of a new station, or which requests consent to involuntary assignment or transfer, or to voluntary assignment or transfer not resulting in a substantial change in ownership or control and which may be applied for on FCC Form 316; and copies of all exhibits, letters, and other documents filed as part thereof, all amendments thereto, all correspondence between the Commission and the applicant pertaining to the application after it has been tendered for filing, and copies of all documents incorporated therein by reference, which according to the provisions of § 0.417 of this chapter are open for public inspection at the offices of the Commission. Information incorporated by reference which is already in the local file need not be duplicated if the entry making the reference sufficiently identifies the information so that it may be found in the file, and there has been no change in the document since the date of filing and the licensee, after making the reference, so states. If petitions to deny are filed against the application, and have been duly served on the applicant, a statement that such a petition has been filed shall appear in the local file together with the name and address of the party filing the petition.

(3) A map or maps, having a reasonable scale, showing the predicted service contours specified below, the scale of miles, and the location or proposed location of the transmitter including the State, county, city or town, and street address or other identification. The State, county, city or town, and street address (if known) of the main studio shall also appear with this material. For standard broadcast stations, the map or maps shall show the 1000, 25, 5, 2, normally protected and interference-free contours in mv/m for both day and night operation, both existing and proposed. The 2 mv/m night contour need not be supplied if service is not rendered thereto. For FM broadcast stations, the map or maps shall show the 1 mv/m and 3.16 mv/m contours, both existing and proposed. For noncommercial educational FM broadcast stations, the contour map or maps are not required, but the information about transmitter and studio location must be maintained. For television broadcast stations, the map or maps shall show the Grade A and Grade B contours, and the contour required for coverage of the principal community, both existing and proposed.

(4) A copy of every ownership report or supplemental ownership report filed by the licensee or permittee for such station after May 13, 1965, pursuant to the provisions of this part; and copies of all exhibits, letters, and other documents filed as part thereof, all amendments thereto, all correspondence between the permittee or licensee and the Commission pertaining to the reports after they have been filed, and all documents incorporated therein by reference, including contracts listed in such reports in accordance with the provisions of § 0.417 of this chapter are open for public inspection at the offices of the Commission. Information incorporated by reference which is already in the local file need not be duplicated if the entry making the reference sufficiently identifies the information so that it may be found in the file, and if there has been no change in the document since the date of filing and the licensee or permittee, after making the reference, so states.

(5) Such records as are required to be kept by §§ 73.120(d), 73.290(d), 73.590(d), and 73.657(d) of this chapter, concerning broadcasts by candidates for public office.

NOTE: The engineering section of applications mentioned in subparagraphs (1) and (2) of this paragraph, and material related to the engineering section, need not be kept in the file required to be maintained by this paragraph.

3. Section 1.580 of the Commission's rules and regulations is hereby amended by amending the introductory text of paragraph (f) to read as follows:

§ 1.580 Local notice of filing; public notice of acceptance for filing; petitions to deny.

(f) The notice required by paragraphs (c) and (d) of this section shall contain the information indicated in subparagraphs (1), (2), (3), (4), and (10) of this paragraph, and, if the notice concerns applications and amendments referred to in subparagraphs (5) through (9) of this paragraph, shall also contain the information called for in those subparagraphs:

[F.R. Doc. 65-10972; Filed, Oct. 13, 1965; 8:49 a.m.]

## Title 49—TRANSPORTATION

### Chapter I—Interstate Commerce Commission

#### SUBCHAPTER B—CARRIERS BY MOTOR VEHICLE [Ex Parte No. MC-58]

#### PART 174a—DESIGNATION OF PROCESS AGENTS BY MOTOR CARRIERS AND BROKERS

##### Miscellaneous Amendments

Order. At a session of the Interstate Commerce Commission, Insurance

Board, held at its Office in Washington, D.C., on the 1st day of October A.D. 1965.

It appearing, that revision of §§ 174a.2, 174a.3, 174a.5, and 174a.6 of Part 174a of Title 49 of the Code of Federal Regulations governing designation of process agents by motor carriers and brokers, under the authority contained in sections 204(a) and 221(c) of the Interstate Commerce Act (49 Stat. 546, 563 as amended; 49 U.S.C. 304, 321) is warranted, and good cause appearing therefor;

It further appearing, that pursuant to section 4(a) of the Administrative Procedure Act (60 Stat. 237, 5 U.S.C. 1003), for good cause it is found that notice of proposed rule making is unnecessary:

It is ordered, That §§ 174a.2, 174a.3, 174a.5, and 174a.6 of Part 174a of the Code of Federal Regulations be, and they are hereby, revised to read as follows:

#### § 174a.2 Form of designation.

Designations shall be made by use of the form prescribed by the Commission for that purpose. Only one completed current form may be on file. It must include all States for which agent designations are required. One copy must be retained by the carrier or broker.

#### § 174a.3 Eligible persons.

All persons (as defined in section 203 (a) (1) of the Interstate Commerce Act) designated must have residence in, or maintain an office in, the state for which they are designated. If an official of a State is designated, evidence of his willingness to accept service of process on behalf of the motor carrier or broker must be furnished.

#### § 174a.5 Blanket designations.

(a) Where an association or corporation has filed with the Commission a list of process agents for each State, motor carriers may make the required designations by reference to such a list, using in the place of individual designations the following statement:

Those persons named in the list of process agents on file with the Interstate Commerce Commission by -----

(Name of association or corporation) and any subsequently filed revisions thereof, for the States in which this carrier is or may be authorized to operate, including states traversed in the course of such operations, except those States for which individual designations are named.

(b) For regular-route common carriers of passengers, this is deemed to include states to which it holds out in its published tariffs to transport chartered parties, and those traversed in the course of such operations.

#### § 174a.6 Cancellation or change.

(a) Designations may be canceled or changed only by a new designation filed in accordance with this part by the motor carrier or broker which made the designation being canceled or changed, except that where a motor carrier or broker ceases to be subject to § 174a.4 in whole

or in part for a period of one year, such motor carrier or broker thereafter may cancel, without making other designations, such designations as are no longer required by § 174a.4.

(b) Upon filing a new designation, the prescribed form must be used and completed to show all states for which designations are necessary.

(Secs. 204(a), 221(c), 49 Stat. 546, 563 as amended; 49 U.S.C. 304, 321)

*It is further ordered,* That the rules herein prescribed are to become effective on January 1, 1966.

*And it is further ordered,* That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Insurance Board.

[SEAL]

H. NEIL GARSON,  
Secretary.

[F.R. Doc. 65-10958; Filed, Oct. 13, 1965;  
8:48 a.m.]

## Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries  
and Wildlife, Fish and Wildlife  
Service, Department of the Interior

### PART 32—HUNTING

Piedmont National Wildlife Refuge,  
Ga.

In F.R. Doc. 65-9053, appearing on page 11034 of the issue for Thursday, August 26, 1965, paragraph (12) should be added to the Piedmont National Wildlife Refuge regulation to read as follows:

(12) Hunters not having reached their 18th birthday must be accompanied by an adult.

W. L. TOWNS,  
Acting Regional Director, Bu-  
reau of Sport Fisheries and  
Wildlife.

[F.R. Doc. 65-10934; Filed, Oct. 13, 1965;  
8:46 a.m.]

# Proposed Rule Making

## DEPARTMENT OF AGRICULTURE

### Consumer and Marketing Service

#### [ 7 CFR Part 917 ]

[Docket No. AO-90 A4]

### FRESH BARTLETT PEARS, PLUMS AND ELBERTA PEACHES GROWN IN CALIFORNIA

#### Notice of Recommended Decision and Opportunity To File Written Exceptions With Respect to Proposed Amended Marketing Agreement and Order

Pursuant to the Rules of Practice and Procedure as amended, governing proceedings to formulate Marketing Agreements and Orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendment of the marketing agreement and order, as amended (7 CFR Part 917), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in California, hereinafter referred to collectively as the "order." The order is effective pursuant to provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S.C. 601-674), hereinafter referred to as the act.

Interested persons may file written exceptions to this recommended decision with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington, D.C., 20250, not later than 15 days after publication of this recommended decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate. All such communications will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

**Preliminary statement.** The public hearing on the record of which the recommended amendment of the order was formulated was held in Fresno, California, on April 5-6, 1965, pursuant to a notice thereof which was published in the FEDERAL REGISTER on March 17, 1965, (30 FR 3542). The notice contained amendment proposals which had been submitted to the Secretary of Agriculture by the Control Committee, the administrative agency for the order.

**Material issues.** The material issues presented on the record of the hearing involve amendatory proposals relating to the following:

(1) Changes in the definitions of Secretary, Act, Fruit, Grower, Handle, Handler, Season, Area, District; and addition of definitions of Commercial plum handler, Representation Area, Container, and Pack.

(2) Changes in the provisions relating to the administrative bodies with re-

spect to: Composition, term of office, nomination, qualification, vacancies, duties, procedures, and compensation.

(3) Changes in the provisions relating to expenses, assessments, and accounting.

(4) Addition of a provision authorizing marketing research and development projects.

(5) Changes in the provisions relating to quality control, and in the "daily shipments limitation" for pears.

(6) Changes in the exemption provisions.

(7) Changes in the provisions relating to inspection and certification.

(8) Changes in the provisions relating to reports and records.

(9) Changes in the provisions relating to the effective time and termination.

(10) Conforming changes.

**Findings and conclusions.** The findings and conclusions on the aforementioned material issues, all of which are based on the evidence adduced at the hearing and the record thereof are as follows:

(1) The definition Secretary should be modified to include officials and employees of the Department to whom authority is delegated to act in his stead. This recognizes that it is not physically possible for the Secretary to perform all of the tasks involved in the administration of the programs under his jurisdiction and of necessity some must be assigned to persons under his supervision.

The term "Act" should be modified to include only such language as is necessary to identify the Agricultural Marketing Agreement Act of 1937, as amended, and to show the applicable statutory references.

The term "fruit" should be redefined to distinguish clearly the kinds of fruits, and varieties thereof which are to be regulated under the order. The new definition, as hereinafter set forth, reflects two changes: It adds the Dr. Jules Guyot (Guyot, Early Bartlett) variety of pears as a variety to be regulated, and dispenses with the separate classifications of "early" and "late" varieties of plums. The Dr. Jules Guyot variety of pear, resembles the varieties which have been regulated previously, is shipped early in the season under the name "Early Bartlett", and it is necessary to extend control to it in order to continue effective control of "Bartlett type" pears. Therefore, the term "fruit" should be changed as hereinafter set forth to include such variety. The present definition of fruit distinguishes between "early" plums; the Beauty, Formosa, Climax, and Santa Rosa varieties, and "late" plums, which include all other varieties. Such definition was written into the order in 1948 when the 4 varieties classed as early were the first four varieties and the separation was distinct. Since then, introduction of additional varieties has rendered the definition

obsolete. For example, the Burmora variety is now a major variety with 265 carloads shipped in interstate commerce in 1964. Such variety, although by the current definition is a "late" variety is shipped ahead of Santa Rosa, the principal "early" variety. Moreover, the specification of plums as two commodities has complicated administration of the order in that it necessitates development of separate marketing policies and budgets. The evidence indicates that under the economic circumstances now prevailing for plums there is no necessity for or advantage to be gained by continuing the current separation.

Therefore, the classifications "early" plums and "late" plums should be combined into one commodity, "plums".

The term "variety" is sufficiently explained under "fruit" and hence should not be continued in the order.

Grower should be defined as hereinafter set forth to identify those who are producers of the pears, plums, and peaches which are subject to regulation, and to identify those who are eligible to participate in referenda and in the election of nominees for positions on the order committees and those who are eligible to serve as members of such committees. Revision of the term also is necessary to indicate as hereinafter set forth that intrastate shipments as well as interstate shipments of plums should be subject to regulation under the order, while only interstate shipments of pears and peaches should be regulated.

Handle should be revised as hereinafter set forth to make clear the activities and movement with respect to the various fruits that are regulated. Such revision is necessary to reflect coverage under the order of intrastate shipments of plums which are not currently regulated under the order. As hereinafter described, all handling of plums grown in the production area is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

California is a substantial market for plums. In 1964 1,175 carlots or equivalent, were received in the Los Angeles and Bay area markets. As a plum market, Los Angeles ranks second only to New York in the United States, unloads in 1964 being 930 carlots and 1,502 carlots, respectively. The third ranking market was Philadelphia with 398 carlots. Moreover, Los Angeles, San Francisco and other intrastate markets are also major points for the transshipment of plums to markets outside the state. Prices of plums on all markets are interrelated and a handler of plums does not consider California markets and those outside as separate market areas. His objective is to secure the highest possible returns for his fruit. He surveys all available markets and if a market within the state offers the best opportunity for

the sale of his plums he ships to this point. If markets outside are reflecting higher returns, shipments are diverted to these markets. Hence, it is evident that prices for plums in all markets are interdependent, and if any particular market either in or outside the state offers greater returns than those elsewhere, supplies are diverted to the most advantageous market. Currently intrastate shipments of plums are subject to regulation under a California State Marketing Order. However, operation under two separate programs has hampered movement. Prior to shipment, interstate shipments of plums must be inspected and certified by the Federal or Federal-State Inspection Service for compliance with regulations prescribed under the order. Plums which are shipped to markets within California are not required to be so inspected. Hence, plums which have first moved to an intrastate market subsequently must be inspected and certified as required under the order before being eligible for transshipment to interstate markets. Moreover, size restrictions differing from those established under the order have been prescribed under the State order, in some instances resulting in the availability of an abnormally heavy supply of certain sizes in California markets with consequent price distress. In other instances certain sizes which were permitted to be shipped under the order, were restricted under the State regulation, hence, buyers in intrastate markets who normally obtain supplies there for transshipment to out of state markets did not have as wide a choice of sizes as buyers at point of origin.

The transshipment of plums to out-of-State markets is important to the plum industry. In 1964, 162 carlot equivalents, and in 1963, 158 carlot equivalents of plums were so shipped. In order to control this commerce and assure compliance with order regulations it has been necessary for the Control Committee to maintain field representatives in the principal transshipment markets. Control of such commerce in this manner is difficult and expensive. Moreover, plums shipped to California markets are assessed to cover administrative costs of grade and size regulation under the State program, and when transhipped to out-of-State markets are subject to administrative assessment under the order. Obviously, such double assessment does not enhance returns to growers. A single regulation applied at point of origin to all shipments of plums would avoid this problem. Buyers wherever located, could buy plums with assurance that such plums may be legally disposed of in any market, and all shipments would be subject to only one administrative assessment with respect to grade and size regulation. Therefore, the term "handle" with respect to plums should be defined to include all phases of selling and transporting which place plums in the channels of commerce within the production area or from the production area to any point outside thereof. The handling of plums begins at the time the

fruit is picked from the trees and includes each of the successive selling and transporting activities until the fruit reaches its final destination. The performance of any one or more of these activities such as selling, consigning, delivering, or transporting within or from the production area by any person, either directly or through others, should constitute handling. In order to effectuate the declared policy of the act, each such person should be required, except as hereinafter indicated, to limit such handling of plums to fruit which conforms to the applicable regulations under the order.

There are some sales of plums on-the-tree. Also, after picking, it is usual for plums to be sorted, graded, packed, or otherwise prepared for market. Such preparation for market may be performed in the orchard where the fruit is grown or the plums may be transported to a packinghouse prior to sorting, grading, and packing. The grower, in such instances, properly relies on the person preparing the plums for market to see that the fruit which is thereafter shipped meets all applicable requirements for marketing. Moreover, such activities are, of necessity, preliminary to placing the plums in marketing channels. It would not be practical and would unnecessarily complicate the administration of the order to endeavor to require persons engaged in the preparation of plums for market to meet the requirements of regulations under the program until after such preparation. Therefore, such activities should be excluded from the definition of "handle." Plums may be sold, after packing, at the orchard where grown or at a packinghouse to truckers and others who transport the plums from such points to markets within and without the State. The sale or delivery of plums to such persons, and the subsequent movement to market, are handling transactions. Any person who engages in any such transaction, whether grower, packinghouse operator, trucker, or others, would therefore be a handler under the order by virtue of such transaction. Each such person should have the responsibility of assuring himself that the plums he handles meet all applicable regulations in effect at the time of handling. Compliance with the regulations which are authorized by the order can readily be determined by the person who is responsible for grading and otherwise preparing the plums for market. The primary responsibility for determining whether a particular lot of plums conforms to the applicable regulations should rest with the person who places such lot, or causes it to be placed, in the current of commerce. In most cases, such person will be the one who was responsible for grading and preparing the plums for market. However, all subsequent handlers also should be responsible for seeing that any regulations applicable to the plums are met at the time such persons handle the plums. This can readily be ascertained by determining that the plums have been inspected and certified as meeting such regulations

or by having them inspected. As all handling of plums is in interstate or foreign commerce, or directly burdens, obstructs, or affects such commerce, it is concluded that, except as indicated herein and as specifically exempted by the act and order, all sales, consignment, delivery, or transportation of plums within the production area or between the production area and any point outside thereof should be subject to the order and any regulations issued pursuant thereto.

The sale, consignment, delivery, and transport of pears and peaches between points within the production area are not currently regulated under the order. The record indicates no necessity for such regulation, hence the definition of handle as hereinafter set forth, should cover the selling, consignment, delivery, or transport of such fruits only between the production area and any point outside thereof. This would be consistent with current practice.

Handler should be revised as hereinafter set forth to indicate that such term is based on "handle" and any person who engages in any of the activities described in the order as handling thereby becomes a handler.

Season should be replaced by "fiscal period" to reflect more accurately the fact that such term marks a specified period of time during which the financial records of the committee are maintained. At present the 12 month period beginning March 1 of one year and ending the last day of February of the following year, the same period as currently defined in the order as "season," is a desirable period. However, the order is jointly managed with other fruit programs, and the order should provide authority, as hereinafter set forth, for the Control Committee, with the approval of the Secretary, to establish a fiscal period covering a different period of time, if it appears desirable to do so in order to coordinate more closely with jointly managed programs or for other reasons in the interest of economy or efficiency.

The term "area" should be replaced in the order by the more descriptive term "production area." No change is necessary in the area covered which should continue to be the State of California.

Under current provisions of the order, districts consist of specified parts of the production area. Districts were included in the order to provide a basis for allocation of representation on the commodity committees. The order initially prescribed districts and included authority for regrouping and realigning districts and reallocating representation among them on the basis of relative volume of production, geographic location, and other pertinent factors. In the past, such realignment and reallocation has been effected through the Control Committee's Administrative rules and regulations. The changes so effected and any now needed as a result of more recent changes in relative production and related factors should be recognized in the order as hereinafter set forth. In keeping with such conditions, the Placer

District and the Colfax District should be combined into the "Placer-Colfax District" recognizing that due to adverse weather and pear decline there is but little pear production in Colfax. Further, the few plums produced in Colfax District are packed in Placer, hence, the two were combined. As a further example, the current North Coast District includes Mendocino County which produces all the pears in this district. Consequently, people in the industry refer to such district as the Mendocino District. It is, therefore, concluded that it should be so named in the order.

The order should contain a definition of "commercial plum handler" as such term is necessary to distinguish persons who previously have not been eligible but are to be made eligible to fill certain positions, as hereinafter discussed, on the Plum Commodity Committee. Such term should be defined as "a person who produces less than 50 percent of the plums which he handles."

New sections should be added in the order to define the terms "container" and "pack" as it is proposed to make such subject to regulation under the order. In order to prevent circumvention of any container regulation, this term should be defined to include boxes, bags, crates, lugs, baskets, cartons, packages and any other type of receptacle used in the packaging or handling of fruit. Pack should be defined as the specific arrangement, size, weight, count, or grade of a quantity of fruit in a particular type and size of container or any combination thereof. Pack is generally used in the fruit industry and generally refers to a combination of factors relating to grade, size, quality, and quantity of fruit in a particular type and size of container and often to the arrangement of the fruit within the container. For example, "U.S. No. 1, 4 x 5, Standard Pack," with respect to plums, indicates that the container is a 4-basket crate, the arrangement of the plums in the top layer of each basket is 4 plums one way and 5 the other, that the plums meet the requirements of U.S. No. 1 with respect to grade, and requirements as to size and uniformity of size set forth in standard pack requirements of the U.S. Standards. Similar pack designations for pears and peaches are used in the trade and would be used in establishing pack regulations under the order.

A new section defining "Representation area" should be added to the order as such term is used to describe specified divisions of the production area for purposes of allocating positions on the commodity committees. Such term should be defined, as any one of the districts or groups of districts which are designated for nominating members and alternate members to the commodity committees under §§ 917.21 through 917.23 or as changed pursuant to § 917.34(i).

(2) The order should be revised to delete the references to the initial committees and to change the respective terms of office of the Control Committee and the commodity committees from annual terms ending January 15 and February 1 to terms ending the last day of

February. All references to the initial committees are obsolete. The terms of office of the committees should be changed as indicated to coincide with the fiscal period.

Currently the growers of each fruit under the order are assigned one grower member position on the Control Committee and the remaining grower member positions are apportioned to the growers of the respective fruits in proportion to the volume the respective fruit is of total shipments of all regulated fruit shipped during the previous 3 seasons. Nominees for all such grower positions are selected by the respective commodity committees established under the order. Nominees for handler members on the Control Committee are nominated by elective bodies of shippers of regulated fruit in accordance with a procedure set forth in the order. The order provides for continuation for the remaining fruit in the event coverage of the order is terminated with respect to any fruit or fruits. However, no procedure is set forth for the assignment of positions on the Control Committee in the event of such termination. To deal with this problem, the order should be revised to provide that (1) if a fruit is eliminated from the order, the grower positions on the Control Committee shall be apportioned to the remaining fruits in relation to the volume each is of the total for the previous 3 years, and the nominees for shipper members of the Control Committee shall be handlers of and shall be elected by handlers of the remaining fruits under the order, and (2) in the event of termination with respect to two fruits, that the Commodity Committee of the remaining fruit shall assume all the duties of the Control Committee. Further, the order should provide that to fill grower positions on the Control Committee a person shall have the same qualifications as that required for service on the Commodity Committee established for the fruit of which he is a grower. This is necessary to assure that the Control Committee will reflect the characteristics which the growers of the respective commodities have indicated are desirable for their representatives.

Current provisions specify a Bartlett Pear Commodity Committee comprised of 12 members, and a Plum Commodity Committee and an Elberta Peach Commodity Committee, each comprised of 7 members. The volume of plum shipments has increased from an annual average of 4,014 carloads in the period 1950-54 to 5,119 in the 1960-64 period. Such increase has involved changes in relative production among districts. Moreover, coverage of intrastate plum shipments, as proposed, will involve further adjustments. In order to provide equitable representation to all plum growers in the various areas of the production area, the Plum Commodity Committee should be increased to 12 members. Such number would be sufficient to provide representation both on the basis of volume and geographic considerations so that problems related thereto may be resolved equitably. Since varie-

ties of pears, other than Bartlett, and peaches, other than Elberta, are covered under the order, the respective committees should be renamed Pear Commodity Committee and Peach Commodity Committee.

The order now provides that to be eligible to fill grower positions on the Control Committee and positions on the respective commodity committees a grower shall have produced at least 51 percent of the peaches, pears or plums shipped by him during the previous season, or be a person who represents an organization which produced at least 51 percent of the respective fruit shipped by it during such season. This provision was included in the order at a time when the distinction between growers and handlers of each fruit was clearly marked, with the growers principally involved in producing the fruit and handlers involved in the preparation of the fruit for market and marketing it. Since 1939, however, growers and handlers of plums and peaches have become involved in each other's function so that there are now few handlers who are not also growers, and many growers now handle their own fruit and that of their neighbors. Because of this and the 51 percent requirement, many growers have been disqualified from service on the Peach Commodity Committee, and it is difficult to staff the committee. Such is also true in the case of plums, though not to the same extent, as in the northern part of the production area the delineation between plum grower and plum handler still exists. Because of the problems involved in attempting to comply with the 51 percent eligibility rule it was advanced at the hearing that with respect to Peach Commodity Committee the order should be changed so that any grower of peaches regulated under the order could be a member of the Peach Commodity Committee without regard to any handler interests he may have. It was further advanced that with respect to plums, it would be desirable to permit growers with dominant handler interests to serve on the Plum Commodity Committee, but that such persons should not be given a sufficient number of the positions to exercise control of the committee. In keeping with this, evidence was presented to the effect that the order should require at least half, or six, of the member positions to be filled by growers who do not have a proprietary interest in and are not employed by a commercial plum handler, and that at least one such member should be chosen from each representation area. It is, therefore, concluded that the order should be amended to effect the foregoing. The record evidence indicates that the delineation between growers and handlers of pears has been maintained and that no change is necessary or desirable in the eligibility requirement for service on the Pear Commodity Committee.

The order should be amended to reflect the enlarged Plum Commodity Committee representation as shown in the representation areas hereinafter set forth



In § 917.23. Such section now includes 6 representation areas, one more than currently set forth in the order. The new area was created by removing it from the "balance of the State" representation area. It produced slightly more than 5 percent of the plums during the past 3 seasons, and the assignment of a representative to it is consistent with the principle hereinafter discussed in connection with § 917.34 which provides that to the extent possible, tonnage should be considered in the reallocation of representation on the Committee. However, removal of the area from the "balance of the State" leaves a representation area which has only about 2.76 percent of the total production. Assignment of a representative to this area has been made and this also is consistent with evidence presented to the effect that geographic factors and remoteness of location should also be considered in such assignment and that every area is entitled to representation.

The order should be amended, as hereinafter set forth in §§ 917.21 and 917.22, to reflect the allocation of representation to the Pear and Peach Commodity Committees among representation areas as therein described. Such amendment is desirable and necessary to conform with the redefinition and renaming of districts effected in § 917.14 and to incorporate changes previously made effective in the administrative rules and regulations established under the order.

The date in the order by which nominations to fill positions on the Control Committee shall be made, should be changed from March 1 to May 1 of each year. The grower members of the Control Committee are not selected until the commodity committees meet to organize in late April. The commodity committees delay meeting until late April in order to have as much information as possible on crop conditions and in the interest of efficient operations the committees take care of as much administrative detail as possible at such meeting. Further, the provision of the order which provides that after 20 days, if no nominees are made available, the Secretary may fill vacancies on the committee without further delay, should be changed to provide that the Secretary may take such action if names are not submitted "within a reasonable time" rather than "within 20 days." Each member is backed up by an alternate, hence, a vacancy is not critical. There is some expense involved in nomination meetings and specification of "a reasonable time" would provide more flexibility for the Control Committee to schedule a nomination meeting with some other industry activity and avoid or at least reduce such expense.

The order should provide that in the event both a member and his alternate are unable to attend a meeting, the member or the committee members present at such meeting may designate any other alternate to serve in such member's place if such action is necessary to secure a quorum. This would assure that such business as may be before the committee could be considered without having to reschedule the meeting.

The provisions of the order which prohibit the respective committees from exercising powers or performing duties when more than a specified number of vacancies exist on the respective committee should be deleted. The committees have had no problem with vacancies and such provision serves no useful purpose.

The order specifies quorum requirements for the commodity committees which assure that business will be considered by a majority of each committee. Currently such requirements are 5 members for the Plum Commodity Committee. In order to compensate for the proposed increase from 7 to 12 in the number of members on Plum Commodity Committee, and to assure that actions will continue to be considered by a substantial majority, the order should provide for an 8 member quorum requirement for such committee.

Additionally, the provisions of the order with respect to recommendation for regulation should be revised to provide that any such recommendation shall require an affirmative vote of not less than 8 members, to assure that such an important matter is concurred in by a substantial majority of the committee.

The order should be amended to remove the provision authorizing compensation of 5 dollars per diem for members of the commodity committees and the grower members of the Control Committee. Under present conditions, this is not a realistic payment for the services rendered, and, to attempt actually to compensate members realistically would place a serious financial burden on the program. Members serve on the commodity committees and Control Committee because they are convinced of the value of the program to the industry. It would not be possible to hire better committeemen than those who now serve because they are public spirited and industry minded. In fact, the thought was advanced that if an offer of increased compensation were made this may attract less qualified persons whose principal interest would be in the compensation rather than in service to the industry. However, while it is not in the interest of the program to provide for continued payment of compensation, the reimbursement of expenses should be expanded to include reimbursement of alternates for expenses incurred in attending meetings if they are invited to attend by the committee. Such attendance would make available additional intelligence upon which to base decisions. The contribution of alternates would be valuable, particularly, in the review of crop conditions as they often reside in a different part of the representation area from the member for whom they are alternates, and they could furnish information about crop conditions that would be a valuable supplement to the information provided by the member. It is, therefore, concluded that the order should authorize reimbursement of alternates for expenses as hereinbefore described.

The unnecessary detail contained in the duties of the Control Committee with

respect to authority to appoint employees, agents, and representatives should be deleted, and language simplified to correspond with more recently issued marketing orders. Likewise, the provision which requires such committee to perform duties in connection with section 32 programs as assigned by the Secretary should be deleted entirely in the interest of simplification. It is recognized that the Secretary can always request the committee to perform such duties whether or not such is specified in the order. Additionally, the authority of the Control Committee to disapprove actions of the commodity committees should be deleted. Such authority has not been used, and the Secretary has the continuing responsibility for overseeing that actions of all committees are within the purview of the order, therefore, such authority is not needed by the Control Committee.

The provisions of the order which require the Control Committee to submit a budget of expenses to the Secretary should provide that such budget shall be submitted "as soon as practicable" after the beginning of the fiscal period, together with a recommended assessment rate for each fruit and the information considered by the committee in arriving at the budget and recommendation. It was pointed out that recommendations with respect to the budget and assessment rates depend to a considerable degree upon anticipated production of the fruits regulated and a reasonable estimate of this is not known until sometime after the beginning of the fiscal period. The committee in the past has submitted a recommended assessment rate for each fruit and a report on the budget and the recommended provision is in keeping with current practice. "Fiscal period" should be substituted for "season" to reflect the substitution previously discussed.

The authority for the establishment of a 7 member Sales Manager's Committee should be revised to authorize the establishment of such a committee for each of the fruits. The authority to establish one such committee was included in the order at a time when, for the most part, handlers were involved in handling all three fruits. Since then, however, handlers have tended to become specialized and to handle only one or two of the fruits. Because of this, it has become difficult to staff a single committee with persons who have the experience needed to advise in the marketing of all three fruits. To meet this problem the Control Committee for a number of years has been following the practice of selecting a Sales Manager's Committee of persons who sell plums, and two sub-committees of 7 members each. One such sub-committee is made up of Sales Managers who sell pears; the other of sales managers who sell peaches. The duty of these respective committees has been to meet with the respective commodity committees and to advise them as to regulations that should be recommended to the Secretary. Revision of the order as indicated would recognize

the practice which has been followed by the Control Committee in appointing them, and the functions which they have performed. The evidence of record shows that there is no necessity to provide that, at least one member of each of the Sales Managers Committees shall represent a cooperative marketing association, or that no member of any such committee may be associated with an organization which has failed to pay assessments due.

The authority with respect to redefinition of districts and reallocation of representation on commodity committees should be revised to reflect the representation area concept, and to establish the principle that in effecting any such redefinition and reallocation consideration shall be given to assigning a member position on the Pear Commodity Committee and Plum Commodity Committee to any representation area which originated 5 percent of regulated shipments during the previous 3-year period. The provision should recognize that factors other than volume of shipments are important, and in particular that representation areas with smaller volumes of shipment are entitled to representation, including those which have less than 5 percent. The evidence of record indicates that it is not necessary to specify an alternate three year period in connection with this provision.

The duties of the Control Committee should contain authority to appoint committees to canvass prospective nominees to fill positions on any commodity committee to ascertain their eligibility and willingness to serve, and to present a slate of such prospects at any nomination meeting held pursuant to the order. The Control Committee has experienced difficulty in securing a slate of nominees by the procedure currently followed which does not utilize nominating committees, and in some instances it has developed that persons nominated have declined to serve or were ruled ineligible after nomination. It is, therefore, concluded that the use of nomination committees would be of substantial assistance in preventing such development. Presentation of a slate of nominees by a nominating committee would not exclude the right of any grower to nominate any eligible person at the meeting.

(3) The evidence of record shows that it is not practical to have each commodity committee prepare and submit a budget to the control committee and the provision which requires such should be deleted. The interrelationship of the commodities under the order requires that expenses must be shared by the three commodities. The allocation of expense should be arrived at by the Control Committee which has as members representatives of each of the three commodity committees. While such allocation may be subject to review by the respective commodity committees, if changes are suggested by any one such committee, it should be within the purview of the Control Committee to resolve them because any such change affects the allocation to the other two committees.

Considerable difficulty has been experienced by the Control Committee in arriving at realistic individual commodity budgets for recommendation to the Secretary. In many instances, the budget amount fixed for an individual commodity on the basis of such recommendation has proved to be inadequate and has had to be amended. Many variable factors affect the expenses of the individual commodities, including among others, crop size and quality, number of committee meetings, compliance activity, etc. Because of this, it is difficult for the committee to arrive at an individual budget amount for each commodity even though experience has shown that total budgetary expenses can be estimated with a high degree of precision. In practice, the Control Committee does not maintain separate budget accounts for the three commodities. It maintains one account. All bills are paid from this account, and at the end of the fiscal year allocation of expenses are made among the commodities, on the basis of a formula which recognizes three categories of expenses: assigned expenses, overhead expenses, and unassignable expenses. Assigned expenses include those related directly to the individual commodity committee such as meetings, proportionate share of field expense based on daily reports of the field employees, and office supplies based on the fact that a different color of paper is used for each commodity. Overhead expenses include rent, equipment, repairs, insurance, utility service charges on telephones, audit and similar items which are assigned by agreement. Unassignable expenses include salaries and travel of permanent employees, other than field employees, group medical expenses, and long distance telephone calls. In allocating the unassignable expenses, factors used are the assignable expense allocated to the commodity and the shipments of that commodity. Application of the formula is made using estimates in arriving at a budget recommendation early in the fiscal period. The formula is again applied at the end of the fiscal year when the experience of the year is known. The record indicates that a greater degree of precision in the allocation of expenses among commodities is desired than can be obtained by the use of estimates, and that approval at the beginning of the fiscal year of a total budget amount covering all three commodities and an individual assessment rate for each commodity, with provisions for adjustment by application of an equitable formula in accordance with good cost accounting principles, should assure such precision and make it unnecessary to fix or to amend budget amounts for each individual commodity. The order requires periodic audits by a competent accountant and this should be sufficient safeguard to assure that the formula and the application thereof allocates expenses equitably among the commodities.

The order should provide that the payment of assessments for the maintenance and functioning of the commit-

tees may be required irrespective of whether particular provisions of the order are suspended or become inoperative. Fruit growing is hazardous and it is not unlikely that with three fruits covered under the order, production in some season of one or more fruits may be such that no regulation would be issued. Expenses would continue and it would be reasonable for the unregulated commodity to pay a minimum assessment to help cover expenses of the program pending the time such commodity again is regulated. In the event provisions of the order are suspended or become unoperative for a relatively short period with respect to all commodities it would not be practical to close the office and discharge employees as such action and subsequent reopening of an office would likely be more expensive than continued operation. Therefore, the expense of salaries, rent, and utilities would continue, and the payment of assessments would be necessary and should be authorized.

In the operation of the order, the Control Committee has found that the accumulation and maintenance of a financial reserve from excess assessments contributes to good business practice and efficient financial management in that it obviates the need for borrowing and refunding of excess assessments. The fund was established through rule making procedures on recommendation of the committee and approved by the Secretary. Such reserve should be covered by a specific provision of the order. The evidence of record shows that the reserve should be available to cover any expenses authorized under the order, including (1) expenses incurred during the pre-harvest period before assessment income is received, (2) deficits incurred during any season when, as a result of miscalculation or crop failure, assessment income is insufficient to cover expenses, (3) a deficit is deliberately incurred in order to reduce the reserve, (4) expenses incurred during any period of suspension of any part or all of the order, and (5) costs of liquidation.

Currently the reserve equals about one-third of the average expense of a fiscal period. Source of funds has been from excess assessments, and this should continue to be the source of such funds. The reserve should not exceed an amount approximately equal to the expenses of one fiscal period. After the reserve reaches the maximum permitted, the assessment rate should be adjusted so as to avoid the necessity of refunding assessments to handlers, although provision for such refund should be made.

The reserve procedure is equitable to all concerned. Those who pay the assessment, namely the handlers, are in a lifetime occupational pursuit and there is not frequent change in the identity of the persons involved. Trees cannot be pulled and replanted rapidly as is the case with row crops, and orchards are not frequently sold. Under the reserve procedure, those who might pay slightly more than their proportionate cost of operating the program in any given year are the same people who will benefit in

another year when assessments are reduced.

Upon termination of the order with respect to any commodity, reserve funds related to that commodity not needed for liquidation should be disposed of by returning them pro rata to those who contributed them, or by making disposition of them in any other manner determined by the Secretary. It might be impractical to return them to the contributors because of the time involved since their receipt, or because the sums to be returned may be too small to justify the administrative expense of proration.

In the operation of the reserve, the joint financial procedures which must exist in a program covering three commodities are currently recognized and should continue to be recognized. Assessments collected from the handlers of each commodity must be adequate to cover the expenses of that commodity. At the end of each fiscal period, any excess assessment added to the reserve are properly credited to the account of the respective commodity from which it was accumulated. However, during the course of the fiscal period, operation of the reserve should permit commingling of funds and any bills to be paid from the single account. At the end of the fiscal period, however, all expenses should be allocated and each commodity pay all of its own expenses.

(4) A new section should be added authorizing the committees, with the approval of the Secretary, to establish marketing research and development projects to the extent permitted under the act. Such projects should be designed to assist, improve, or promote the marketing, distribution, and consumption of pears, plums, or peaches. The cost of such projects should be financed from assessments collected pursuant to the order. Plans for such projects should be submitted to the Secretary for his approval prior to engaging in the work.

(5) The evidence in the record indicates that the provisions with respect to regulation of daily shipments of pears and regulation of unfair trade practice for peaches should be deleted. The provisions as to regulation of daily pear shipments have not been used for 25 years and the changes, including increased availability of cold storages, which have occurred indicate that if volume regulation for pears was contemplated under the order the current provisions would not be appropriate. The regulation of unfair trade practices for peaches concerned the deceptive arrangement of the peaches within certain containers. As hereinafter discussed, the record shows that the regulatory provisions of the order should be revised to add authority for maturity, container and pack regulation and the addition of such would provide ample authority for dealing with such practices. Maturity previously has been regulated under the grade and it is anticipated that usually it would continue to be so regulated, but under certain circumstances, such as a crop failure in which regulation of ma-

turity only may be needed, the committee should be authorized to recommend and the Secretary issue restrictions on the maturity of shipments. Authority which would authorize the fixing of the size, capacity, weight, dimensions, marketings, or pack of containers could be used to promote the adoption and use of desirable containers for pears, plums, and peaches. Currently some of the containers used—for example the 4-basket crate—for these fruits are very expensive to pack. New packing techniques have been developed through which less expensive but equally satisfactory tight filled, bulk containers show promise. It was indicated that industry experience has shown that often the trade resists and tends to discount new containers if the containers which are familiar are continued in use even though the new container is superior. If new containers are developed, and have proved their superiority, container regulation authority could be used to eliminate old type containers, the existence of which causes the trade to discount the new containers. Further, such authority may be used to prevent introduction of any deceptive containers or containers which, though smaller, may be confused with larger standard containers. Authority for regulation of container markings is needed to assure that containers are properly marked as to grade, size, and variety or lot stamped for inspection identification. The provision of authority for pack regulation is needed to assure that good packing practices are followed for all fruits with respect to arrangement, tightness, and uniformity of size of the fruit within the package. Such may be accomplished by requiring fruit to meet the standard pack requirements of the U.S. Standards, or other appropriate requirements recommended by the committees and issued by the Secretary.

Regulation by variety and groups of varieties has been practiced for plums under the order. Authority for similar regulation of peaches and pears should be provided as distinctions in varieties of such fruits are now to be recognized. Varieties of peaches and pears may be sufficiently different with respect to such characteristics as color, size, or shape as to require that such difference be allowed for in the regulation to assure more equitable treatment. Regulation by grades and size and on the basis of minimum standards currently is provided in the order and provisions for such regulation should be continued. However, for simplification the language of such provisions should be revised as hereinafter set forth.

The order should provide that the Secretary shall modify, suspend, or terminate regulations with respect to any or all fruit on the basis of recommendations of the commodity committees or from other available information when he finds that such action is necessary to effectuate the purposes of the act.

(6) Exemptions are currently provided in the order for fruit handled for consumption by charitable institutions, distribution by relief agencies, or for

commercial processing into products. Authority should be added to authorize the exemption from regulations, assessments, or certification requirements of fruit shipped to designated market areas outside the continental United States or for such specified purposes, or in such minimum quantities, or types of shipments as may be prescribed. Certain market areas outside the United States, for example Mexico, do not at the present time represent a substantial market for fruit. Often the better quality fruit is beyond the means of such areas. The shipment of less expensive fruit may be a feasible means of supplying such markets. Moreover, considerable difficulty has been experienced in effecting compliance on shipments to Mexico, and the exemption of shipments to such areas with installation of adequate safeguards may be a practical means of increasing the efficiency of administration, without loss of regulatory effectiveness. However, if it is found that the exemption of fruit to any such areas results in a loss of regulatory effectiveness such exemption should be terminated. With respect to exemption of minimum quantities and types of shipment, the order should provide for the exemption of such quantities as it is not necessary to regulate in order to effectuate the declared purposes of the act, and such types of shipments, for example those involved in research, as is necessary to facilitate administration. Likewise, each commodity committee should prescribe such rules, regulations, and safeguards as are necessary to prevent fruit handled for any exempted purpose from entering channels of trade and defeating objectives of the program. Such rules should include procedures requiring handlers to file applications for authorization to move fruit in exempted channels and certification by the receiver that such fruit would be used only for the purpose permitted. The provision with respect to grower exemptions should be revised as hereinafter set forth to recognize that in the establishment of percentages related to issuance of exemption certificates and in such issuance the respective commodity committee must depend on its agents, employees of the Control Committee, to perform in this area of responsibility, although, it is recognized that the primary responsibility in this area rests with the respective commodity committee.

(7) The Federal and Federal State Inspection Services are the agencies which should perform the inspection and certification required under the order. A specific designation of such agencies should be added in the order. The order should be revised also to make it clear that inspection and certification is not required on fruit previously inspected and certified and to provide that the commodity committees may prescribe, subject to approval by the Secretary, procedures whereby inspection may be waived when it is determined that inspection is not available. Such procedure should not relieve the handler from having the fruit meet other requirements. Such a waiver procedure



on this basis has been effective under rules and regulations for several years and the authority therefor should be specifically provided in the order. With respect to inspection, the order should authorize the Control Committee to enter into a contract with the Federal or Federal State Inspection Services with respect to the costs of the required inspection and to collect assessments to cover the cost of such inspection. Such an arrangement is needed to facilitate assessment of a uniform per package fee, particularly for plums when intrastate shipments are regulated under the order since mandatory inspection will then be applicable to a substantially larger number of small-lot shipments. Many such small-lot shipments are packed in areas remote from the inspection stations thus involving considerably greater expense in time and travel per package than larger lots in closer proximity. The evidence of record indicates that application of uniform per package assessment for inspection would be a reasonable means of providing equitable treatment for all handlers. Such an arrangement has been used under Order 916 (7 CFR Part 916), regulating the handling of California nectarines, and has proved a successful means of dealing with this problem.

(8) The provisions of the order concerning reports should be revised as hereinafter set forth. Such revision is necessary to eliminate requirements in connection with regulation of daily shipments inasmuch as authority for such regulation is being deleted, and to more specifically state the types of information needed by the committees in the administration of the order. The provision requiring the manager of the Control Committee to have the information received promptly summarized and made available to shippers and other interested parties should be eliminated. Such a mandatory requirement is inappropriate since handlers and others may have no use for much of the information although it is essential to administration of the order. The revised provision should specify that the data submitted by handlers shall be received by a designated employee or employees of the Control Committee, and that any data or information extracted therefrom which may affect the trade position, financial condition, or business position of any individual handler may not be disclosed to any person other than the Secretary, except that such data or information may be combined and made available in the form of general reports which do not reveal the identity of individual handlers except to the extent necessary to effect compliance with the order. In order to provide a basis for verification of reports, the order should require that each handler shall maintain for at least 2 succeeding fiscal years such records of the fruits received and disposed of by him as will assure such verification.

(9) The provisions of the order with respect to effective time should be revised. Reference to the effective time of the current order and the fact that it may be made effective to pears, plums,

or peaches, jointly or severally, should be deleted as this now serves no useful purpose. Such revised provisions should specify merely that provisions of the order or any amendment thereto shall become effective at such time as the Secretary may declare above his signature and continue in force until terminated as provided by the order. Provisions as to termination should be revised to set forth the requirement of the act that the Secretary is to suspend or terminate the operation of all provisions whenever he finds that such provisions do not effectuate the declared purposes of the act. The provisions with respect to periodic referenda to ascertain whether continuance is desired by growers of any fruit should be changed to require that such a referendum shall be held within the period beginning December 1, 1968, and ending February 15, 1969, and within the same period of every fourth fiscal period thereafter, and that, if requested by the Control Committee prior to December 1 of any year, the Secretary shall conduct a referendum on continuance with respect to any fruit prior to the following February 15. The provisions should require that any petitions from growers, received prior to October 1, with respect to termination shall be considered by the Control Committee in considering whether or not other than regularly scheduled referenda should be recommended. Currently, the order requires that referenda be held every second year. Such referenda have imposed a burden on growers, handlers, and the Department. If no general dissatisfaction with the program is registered, referenda every 4 years should be adequate. If substantial dissatisfaction is shown, the provision providing for interim referenda is included to assure that a referendum will be held.

The procedure of termination should be changed to recognize that the provisions of the order may be terminated with respect to one or more of the fruits and provide that the Control Committee shall serve as trustee in the liquidation of the affairs of any or all fruits. The provisions with respect to collection of assessments and refund of excess assessments in such procedure should be deleted therefrom as such provision has been appropriately covered in the section of the order dealing with accounting. A new section should be added in the order providing that in the event of termination or amendment of the order or of any regulation issued pursuant thereto that, unless expressly provided by the Secretary, such termination or amendment shall not affect or waive any right, duty, obligation, or liability which shall have arisen or which may arise in connection with any provision of the order or any regulation issued thereunder, or release or extinguish any violation of the order or regulation or affect or impair any rights or remedies of the Secretary or of any other person with respect to any such violation. Such provision is necessary to make clear that amendment or termination does not retroactively erase violations.

(10) The amendment heretofore recommended will make it necessary to make certain conforming changes in sections not specifically discussed in connection therewith. All such changes should be incorporated in the order as necessary, and the entire text of the order, as amended, should be set forth for purposes of clarity as an amended order.

*Rulings on proposed findings and conclusions.* April 30, 1965, was fixed as the latest date for the filing of briefs with respect to the facts presented in evidence at the hearing and the findings and conclusions which should be drawn therefrom. No brief was filed.

*General findings.* (1) The order, as amended and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The order, as amended and as hereby further amended, regulates the handling of pears, plums, and peaches grown in the State of California in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, the marketing agreement upon which hearings have been held;

(3) The order, as amended and as hereby further amended, is limited in its application to the smallest regional production area that is practicable, consistently with carrying out the declared policy of the act; and the issuance of several orders applicable to subdivisions of such regional production area would not effectively carry out the declared policy of the act;

(4) The order, as amended and as hereby further amended, prescribes, so far as practicable, such different terms, applicable to different parts of the production area, as are necessary to give due recognition to the differences in production and marketing of the fruit covered thereby; and

(5) All handling of plums grown in the production area is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

*Recommended order.* The following amended marketing agreement and order are recommended as the detailed means by which the foregoing conclusions may be carried out.<sup>1</sup>

*Amended Order Regulating Handling of Fresh Pears, Plums, and Peaches Grown in California*

DEFINITIONS

Sec.	
917.1	Secretary.
917.2	Act.
917.3	Person.
917.4	Fruit.
917.5	Grower.
917.6	Handle.
917.7	Handler.
917.8	Commercial plum handler.
917.9	Fiscal period.
917.11	Production area.
917.12	Container.
917.13	Pack.
917.14	District.
917.15	Representation area.

<sup>1</sup> The provisions identified with an asterisk (\*) apply only to the proposed amended marketing agreement.

## ADMINISTRATIVE BODIES

- Sec.  
 917.16 Designation of Control Committee.  
 917.17 Nomination of shipper members of Control Committee.  
 917.18 Nomination of grower members of Control Committee.  
 917.19 Selection of members of Control Committee.  
 917.20 Designation of members of Commodity Committee.  
 917.21 Nomination of Pear Commodity Committee Members.  
 917.22 Nomination of Peach Commodity Committee Members.  
 917.23 Nomination of Plum Commodity Committee Members.  
 917.24 Procedure for nominating members of various Commodity Committees.  
 917.25 Selection of members of various Commodity Committees.  
 917.26 Failure to nominate.  
 917.27 Alternates.  
 917.28 Procedure for filling vacancies on Committees.  
 917.29 Organization of Committees.  
 917.30 Removal and disapproval.  
 917.31 Compensation and expenses.  
 917.32 Funds and other property.  
 917.33 Powers of Control Committee.  
 917.34 Duties of Control Committee.  
 917.35 Powers and duties of each Commodity Committee.

## EXPENSES AND ASSESSMENTS

- 917.36 Expenses.  
 917.37 Assessments.  
 917.38 Accounting.

## RESEARCH

- 917.39 Market research and development.

## REGULATIONS

- 917.40 Recommendations for regulations.  
 917.41 Issuance of regulations.  
 917.42 Modification, suspension or termination of regulations.  
 917.43 Special purpose shipments.  
 917.44 Exemptions.  
 917.45 Inspection and certification.

## REPORTS

- 917.50 Reports.

## MISCELLANEOUS PROVISIONS

- 917.60 Effective time.  
 917.61 Termination.  
 917.62 Proceedings after termination.  
 917.63 Effect of termination or amendment.  
 917.64 Compliance.  
 917.65 Duration of immunities.  
 917.66 Agents.  
 917.67 Derogation.  
 917.68 Liability of committee members.  
 917.69 Separability.

## DEFINITIONS

## § 917.1 Secretary.

"Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

## § 917.2 Act.

"Act" means Public Act No. 10, 73d Congress (May 12, 1933), as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S.C. 601-674).

## § 917.3 Person.

"Person" means an individual, partnership, corporation, association, or any other business unit.

## § 917.4 Fruit.

"Fruit" means the edible product of the following three kinds of trees (a) all varieties of plums, (b) the varieties of pears, and (c) the varieties of peaches set forth below together with all mutations thereof which are grown in the production area and shipped in fresh form:

*Pears.* Bartlett, Dr. Jules Guyot (Guyot, Early Bartlett), Clapps Favorite (Hill Bartlett), Max-Red (Max-Red Bartlett, Red Bartlett), Rosired (Rosired Bartlett), Winter Bartlett, Gorham (Late Bartlett).

*Peaches.* Elberta (Regular Elberta), Early Elberta (Gleason, Early Fay, Golden Elberta), Fay Elberta (Gold Medal, Golden Elberta), Burbank July Elberta (Early Elberta, Burbank Elberta, Burbank, Jewel, Kim Elberta, July Elberta, Socala).

## § 917.5 Grower.

"Grower" is synonymous with producer and means (a) with respect to plums any person who produces plums for market in fresh form, and who has a proprietary interest therein, and (b) with respect to pears and peaches, any person who produces such for market in fresh form in the current of interstate or foreign commerce, and who has a proprietary interest therein.

## § 917.6 Handle.

"Handle" and ship are synonymous and mean: (a) With respect to pears and peaches, to sell, consign, deliver, or transport such fruit, or cause such fruit to be sold, consigned, delivered, or transported, between the production area and any point outside thereof; and (b) with respect to plums, to sell, consign, deliver, or transport plums, or cause plums to be sold, consigned, delivered, or transported, between the production area and any point outside thereof, or within the production area: *Provided*, That the term handle shall not include the sale of fruit on the tree, the transportation within the production area of fruit from the orchard where grown to a packing facility located within such area for preparation for market, or the delivery of such fruit to such packing facility for such preparation.

## § 917.7 Handler.

"Handler" is synonymous with shipper and means any person (except a common or contract carrier transporting fruit owned by another person) who handles fruit.

## § 917.8 Commercial plum handler.

"Commercial plum handler" means any person who produces less than 50% of the plums which he handles.

## § 917.9 Fiscal period.

"Fiscal period" is synonymous with fiscal year and means the 12-month period ending on the last day of February of each year, or such other period that may be approved by the Secretary pursuant to recommendations by the committee.

## § 917.11 Production area.

"Production area" means the State of California.

## § 917.12 Container.

"Container" means a box, bag, crate, lug, basket, carton, package, or any other type of receptacle used in the packaging or handling of fruit.

## § 917.13 Pack.

"Pack" means the specific arrangement, size, weight, count, or grade of a quantity of fruit in a particular type and size of container or any combination thereof.

## § 917.14 District.

"District" means any of the following subdivisions of the State of California:

(a) "North Sacramento Valley District" includes and consists of Glenn County, Shasta County, Tehama County, Modoc County, Siskiyou County, Lassen County, Plumas County, and Colusa County.

(b) "Central Sacramento Valley District" includes and consists of Sutter County, Butte County, Yuba County, and Sierra County.

(c) "Sacramento River District" includes and consists of Sacramento County, that portion of Yolo County east of a straight line from the northwest corner of Sacramento County to the Northeast corner of Solano County, and that portion of Solano County east of a straight line from the northeast corner of Solano County to the town of Rio Vista.

(d) "El Dorado District" includes and consists of El Dorado County.

(e) "Placer-Colfax District" includes and consists of Nevada and Placer Counties.

(f) "Solano District" includes and consists of that portion of Yolo County not included in the Sacramento River District, and that portion of Solano County not included in the Sacramento River District.

(g) "Contra Costa District" includes and consists of Contra Costa County.

(h) "Santa Clara District" includes and consists of Alameda County, Monterey County, Santa Clara County, San Mateo County, Santa Cruz County, and San Benito County.

(i) "Lake District" includes and consists of Lake County.

(j) "Mendocino District" includes and consists of Mendocino County, Humboldt County, Trinity County, and Del Norte County.

(k) "South Coast District" includes and consists of San Luis Obispo County, Santa Barbara County, Ventura County, and that portion of Los Angeles County south of the Tehachapi Mountains and west of a straight line running from the town of Saugus to Point Fermin.

(l) "Stockton District" includes and consists of San Joaquin County, Amador County, Calaveras County, and Alpine County.

(m) "Stanislaus District" includes and consists of Merced County, Stanislaus County, Tuolumne County, and Mariposa County.

(n) "Fresno District" includes and consists of Madera County, Fresno County, Mono County, Kings County, and that portion of Tulare County north of the 4th Standard Parallel south of the Mount Diablo Base Line of the General Land Office.

(o) "Tulare District" includes and consists of that portion of Tulare County not included in Fresno District.

(p) "Kern District" includes and consists of that portion of Kern County west of the Tehachapi Mountains.

(q) "Tehachapi District" includes and consists of that portion of Los Angeles County north of the San Gabriel Mountains and north of that portion of Kern County not included in Kern District, and Inyo County.

(r) "Southern California District" includes and consists of San Bernardino County, Orange County, San Diego County, Imperial County, Riverside County, and that portion of Los Angeles County not included in the South Coast District and the Tehachapi District.

(s) "North Bay District" includes and consists of Sonoma County, Napa County, and Marin County.

#### § 917.15 Representation area.

"Representation area" means any one of the districts or groups of districts which are designated for nominating members and alternate members to the commodity committees under §§ 917.21 through 917.23 or as changed pursuant to § 917.34(i).

#### ADMINISTRATIVE BODIES

#### § 917.16 Designation of Control Committee.

A Control Committee is hereby established consisting of 12 shipper members and 13 grower members, and the members shall be selected in accordance with the provisions of § 917.17 through § 917.19. The members shall be selected annually for a term ending on the last day of February, and said members shall serve until their respective successors are selected and qualified.

#### § 917.17 Nomination of shipper members of the Control Committee.

Nominations for the 12 members of the Control Committee to represent shippers shall be made in the following manner:

(a) Elective bodies may be formed consisting of any shipper or group of shippers who shipped at least one-third of the total tonnage of fruit shipped by all shippers during the preceding season. Each elective body shall be entitled to nominate four persons for members. In the event an elective body is composed of more than one shipper, each such shipper shall cast his vote on the basis of fruit shipped by such shipper during the previous season. Voting shall be cumulative. Shippers who have sufficient tonnage to form one or more elective bodies shall not be entitled to use their additional fractional tonnage, if any, toward the formation of an additional elective body.

(b) In the event all nominations for the shipper membership of the Control Committee are not made by elective bodies, as provided in paragraph (a) of this section, by February 1 of each year, the then existing Control Committee shall promptly announce a time and place for a meeting of all shippers of fruit who have not individually or collectively formed an elective body nor in any manner participated therein, and such Control Committee shall conduct the election of nominees at such meeting. At said election meeting, such shippers shall select a nominee for each of the aforesaid positions of the Control Committee for which nominees have not been selected pursuant to the provisions of paragraph (a) of this section. In such election, each such shipper shall cast only one vote. No shipper who formed an elective body, or participated therein with another shipper or shippers, shall participate in or vote at such election held pursuant to the provisions of this paragraph.

(c) No shipper shall be entitled to participate in the nomination of members of the Control Committee, or be eligible for membership on such committee, if such shipper has failed to pay the assessments, due to be paid by him pursuant to the provisions of § 917.37.

#### § 917.18 Nomination of grower members of the Control Committee.

Nominations for the 13 members of the Control Committee to represent growers shall be made by the commodity committees in the following manner:

(a) A nomination for one member shall be made by each commodity committee selected pursuant to § 917.25. Nominations for the remaining members to represent growers shall be made by the respective commodity committees as provided in this section. The number of remaining members which each respective commodity committee shall be entitled to nominate shall be based upon the proportion that the previous three fiscal periods' shipments of the respective fruit is of the total shipments of all fruit to which this part is applicable during such periods. In the event provisions of this part are terminated as to any one fruit, nominations of members to the Control Committee shall be composed of representatives of the remaining two fruits. The apportionment shall be determined as aforesaid. In the event provisions of this part are terminated as to any two fruits, the members of the commodity committee of the remaining fruit shall have all of the powers, duties, and functions given to the Control Committee under this part and sections of this part pertaining to the designation of the Control Committee shall be terminated.

(b) A person nominated by any commodity committee for membership on the Control Committee shall be an individual person who produced fruit during the previous season: *Provided, however*, That a person nominated by any commodity committee for membership on the Control Committee shall have the qualifications specified in § 917.24(c). Each

member of each commodity committee shall have only one vote in the selection of nominees for membership on the Control Committee.

#### § 917.19 Selection of members of the Control Committee.

From the nominations made pursuant to § 917.17, or from other persons, the Secretary shall select the shipper members of the Control Committee. From the nominations made pursuant to § 917.18, or from other persons, the Secretary shall select the grower members of the Control Committee. Any person selected as a member of the Control Committee shall qualify by filing with the Secretary a written acceptance of the appointment.

#### § 917.20 Designation of members of commodity committees.

There are hereby established a Pear Commodity Committee and a Plum Commodity Committee each consisting of 12 members, and a Peach Commodity Committee consisting of 7 members. The members of each commodity committee shall be selected annually for a term ending on the last day of February, and such members shall serve until their respective successors are selected and have qualified. The members of each commodity committee shall be selected in accordance with the provisions of § 917.25.

#### § 917.21 Nomination of Pear Commodity Committee members.

Nominations for membership on the Pear Commodity Committee shall be made by the growers of pears in the respective representation areas as follows:

(a) North Sacramento Valley District and the Central Sacramento Valley District one nominee.

(b) Sacramento River District, Stockton District, Contra Costa District, Santa Clara District, and Solano District three nominees.

(c) Placer-Colfax District one nominee.

(d) Lake District four nominees.

(e) Mendocino District and the North Bay District one nominee.

(f) El Dorado District and all of the area not included in the North Sacramento Valley District, Central Sacramento Valley District, Placer-Colfax District, Sacramento River District, Stockton District, Solano District, Contra Costa District, Santa Clara District, Lake District, Mendocino District, and North Bay District two nominees.

#### § 917.22 Nomination of Peach Commodity Committee members.

Nominations for membership on the Peach Commodity Committee shall be made by the growers of peaches in the respective representation areas, as follows:

(a) Fresno District four nominees.

(b) Tulare District and Kern District one nominee.

(c) Stanislaus District one nominee.

(d) All of the production area not included in the Fresno District, Tulare

District, Kern District, and Stanislaus District one nominee.

**§ 917.23 Nomination of Plum Commodity Committee members.**

Nominations for membership on the Plum Commodity Committee shall be made by the growers of plums in the respective representation areas, as follows:

- (a) Kern District and the Southern California District one nominee.
- (b) Tulare District two nominees.
- (c) Fresno District five nominees.
- (d) Placer-Colfax District two nominees.
- (e) North Sacramento Valley District and Central Sacramento Valley District one nominee.
- (f) All of the production area not included in the Kern District, Southern California District, Tulare District, Fresno District, Placer-Colfax District, North Sacramento Valley District, and Central Sacramento Valley District one nominee.

**§ 917.24 Procedure for nominating members of various commodity committees.**

(a) The Control Committee shall hold or cause to be held not later than February 15 of each year a meeting or meetings of the growers of the fruits in each representation area set forth in §§ 917.21, 917.22, and 917.23 for the purpose of designating nominees of the commodity committees. These meetings shall be supervised by the Control Committee, which shall prescribe such procedure as shall be reasonable and fair to all persons concerned.

(b) With respect to each commodity committee only growers of the particular fruit who are present at such nomination meetings or represented at such meetings by duly authorized employees may participate in the nomination and election of nominees for commodity committee members. Each such grower, including employees of such grower, shall be entitled to cast but one vote for each position to be filled for the representation area in which he produces such fruit.

(c) A particular grower, including employees of such growers, shall be eligible for membership as principal or alternate to fill only one position on a commodity committee. A grower nominated for membership on the Pear Commodity Committee must have produced at least 51 percent of the pears shipped by him during the previous fiscal period, or he must represent an organization which produced at least 51 percent of the pears shipped by it during such period. A grower nominated for membership on the Plum Commodity Committee may be a producer who has a proprietary interest in or is an employee of a commercial plum handler: *Provided*, That at least one such nominee from each representation area shall be a producer who does not have a proprietary interest in or is not an employee of a commercial plum handler.

**§ 917.25 Selection of members of various commodity committees.**

The Secretary shall select the members of each commodity committee

from nominations made by growers, as provided in §§ 917.21 through 917.24, or from among other eligible persons. Any person selected as a member of a commodity committee shall qualify by filing with the Secretary a written acceptance of the appointment.

**§ 917.26 Failure to nominate.**

If nominations are not made within the time and in the manner prescribed in §§ 917.21 through 917.24, the Secretary may, without regard to nominations, select the members and alternate members of the commodity committees on the basis of the representation provided in §§ 917.21 through 917.23. In the event nominations are not made for membership on the Control Committee, pursuant to the provisions of §§ 917.17 and 917.18, by May 1 of each year, the Secretary may select such members without waiting for nominees to be designated.

**§ 917.27 Alternates.**

There shall be an alternate for each member of the Control Committee, and an alternate for each member of each commodity committee. Each such alternate shall possess the same qualifications, shall be nominated and selected in the same manner and shall hold office for the same term, as the member for whom he is alternate. An alternate shall, in the event of such member's absence at a meeting of the committee, act in the place and stead of such member; and, in the event of such member's removal, resignation, disqualification, or death, the alternate for such member shall, until a successor for the unexpired term of said member has been selected, act in the place and stead of said member. In the event both a member and his alternate are unable to attend a meeting the member or the committee members present may designate any other alternate to serve in such member's place and stead provided such action is necessary to secure a quorum.

**§ 917.28 Procedure for filling vacancies on committees.**

To fill any vacancy on the Control Committee or on any of the commodity committees occasioned by the failure of any person selected as a member or as an alternate member to qualify, or in the event of the death, removal, resignation, or disqualification of any member or alternate member, a successor for the unexpired term of such member or alternate shall be nominated and selected in the manner specified in §§ 917.17 through 917.19, and §§ 917.21 through 917.25. If the names of nominees to fill any such vacancy are not made available to the Secretary within a reasonable time after such vacancy occurs, the Secretary may fill such vacancy without regard to nominations on the basis of representation provided for in §§ 917.16 and 917.21 through 917.23.

**§ 917.29 Organization of committees.**

(a) A majority of all of the members of the Control Committee shall constitute a quorum, and any action of the Control Committee shall require the con-

currence of the majority of all members present at the meeting.

(b) A quorum of the Pear Commodity Committee and of the Plum Commodity Committee shall each consist of eight members; and a quorum of the Peach Commodity Committee shall consist of five members.

(c) The Control Committee and each commodity committee shall give to the Secretary the same notice of each meeting that is given to the members of the respective committee.

(d) The Control Committee or any commodity committee may, upon due notice to all of the members of the respective committee, vote by letter, telegraph, or telephone: *Provided*, That any member voting by telephone shall promptly thereafter confirm in writing his vote so cast.

**§ 917.30 Removal and disapproval.**

The members of the Control Committee, including their respective successors and alternates, and the members of each commodity committee, including their respective successors and alternates, and any agent or employee appointed or employed by the Control Committee and the members of any other committee established pursuant to the provisions of this subpart shall be subject to removal or suspension at any time by the Secretary. Each regulation, decision, determination, or other act of the Control Committee, or any commodity committee, or any other committee established pursuant to the provisions of this subpart, shall be subject to the continuing right of the Secretary to disapprove of the same at any time; and, upon such disapproval, each such regulation, decision, determination, or other act, shall be deemed null and void except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary.

**§ 917.31 Compensation and expenses.**

All committee members shall serve without compensation, but said members, and their respective alternates, shall be reimbursed for expenses necessarily incurred in the performance of their duties. At its discretion any committee may request the attendance of one or more alternates at any or all meetings, notwithstanding the expected or actual presence of the respective members, and may pay expenses as aforesaid.

**§ 917.32 Funds and other property.**

(a) All funds received by the Control Committee, pursuant to the provisions of this part, shall be used solely for the purpose specified in this part; and the Secretary may require the Control Committee and its members to account for all receipts and disbursements.

(b) Upon the resignation, removal, or expiration of the term of any member or employee of the Control Committee, or of any member of any commodity committee, all books, records, funds, and other property in his possession belonging to the Control Committee or any commodity committee shall be delivered to the Control Committee or to his successor in office; and such assignments and other

instruments shall be executed as may be necessary to vest in the Control Committee full title to all the books, records, funds, and other property in the possession or under the control of such member or employee, pursuant to the provisions of this part.

(c) The Control Committee may, with the approval of the Secretary, maintain in its own name, or in the name of its members, a suit against any shipper for the collection of such shipper's pro rata share of expenses, pursuant to the provisions of this part.

#### § 917.33 Powers of Control Committee.

The Control Committee shall have the following powers:

(a) To administer, as specifically provided in this part, the terms and provisions of this part.

(b) To make administrative rules and regulations in accordance with and to effectuate the terms and provisions of this part.

(c) To receive, investigate, and report to the Secretary complaints of violations of the provisions of this part.

(d) To recommend to the Secretary amendments to this part.

#### § 917.34 Duties of Control Committee.

The Control Committee shall have the following duties:

(a) To act as intermediary between the Secretary and any grower or shippers.

(b) To keep minute books and records which will clearly reflect all of the acts and transactions of said Control Committee; and such minute books and records shall be subject at any time to examination by the Secretary or by such person as may be designated by the Secretary.

(c) To investigate, from time to time, and assemble data on the growing, shipping, and marketing conditions respecting fruit, as defined in § 917.4; to engage in such research and service activities in connection with the handling of such fruit as may be approved, from time to time, by the Secretary; and to furnish to the Secretary such available information as may be requested.

(d) To appoint such employees, agents, and representatives as it may deem necessary, and to determine the compensation and define the duties of each.

(e) To submit as soon as practicable after the beginning of each fiscal period to the Secretary, for his approval, a budget of its expenses for such fiscal period, including a report in explanation of the items therein, and a recommendation as to the rate of assessment for each fruit.

(f) To confer with representatives of shippers and growers of fruit produced in other states and areas with respect to the formulation or operation of marketing agreements providing for the regulation of shipments among the several states and areas in the United States in which such fruit is grown.

(g) To establish a Sales Managers' Committee of seven members for each of the fruits regulated under this part to assist the respective commodity commit-

tees in arriving at recommendation for regulation. The members of the Sales Managers' Committees shall be selected by the shipper members of the Control Committee.

(h) To establish and define the duties of additional committees or subcommittees to assist in the performance of any of the duties and functions of the Control Committee.

(i) With the approval of the Secretary, to redefine the districts into which the State of California has been divided under § 917.14 or change the representation of any representation area on any commodity committee: *Provided, however, That, if any such changes are made, representation on any such committee from the various representation areas shall be based, so far as practicable, upon the proportionate quantity of the respective fruit shipped from the respective representation area during the preceding three fiscal periods: Provided further, That the Control Committee shall follow the principle, so far as practicable, of assigning a member position on the Pear and Plum Commodity Committees to any representation area from which 5 percent of regulated shipments have originated during such periods.*

(j) To defend all legal proceedings against any committee members (individually or as members) or any officers or employees of such committees arising out of any act or omission made in good faith pursuant to the provisions of this part.

(k) To cause the books of the Control Committee to be audited by a competent accountant at least once each fiscal period and at such other time or times as the Control Committee may deem necessary or as the Secretary may request. Such audit shall indicate whether the funds have been received and expended in accordance with the provisions of this part.

(l) To appoint nomination committees if it deems proper for any or each nomination meeting held pursuant to §§ 917.21 through 917.23. Such nomination committees would canvas prospective members and alternate members to the commodity committees to determine their eligibility and willingness to serve and present a slate of nominees to the meeting or meetings. The presentation of nominees by the nominating committee at these meetings shall not exclude the right of any grower to nominate any eligible person at such meeting.

#### § 917.35 Powers and duties of each commodity committee.

Each commodity committee shall have the following powers and duties:

(a) With regard to the respective fruit for which it was established, to recommend to the Secretary regulation of shipments pursuant to the provisions of this part, and to possess such other powers and exercise such other duties as will properly effectuate the purposes of this part: *Provided, however, That the Pear and Plum Commodity Committees shall each make said recommendation pursuant to §§ 917.40 through 917.43 only upon the affirmative vote of not less than*

eight members of each said committee: *Provided further, That the Peach Commodity Committee shall make said recommendation pursuant to such sections only upon the affirmative vote of not less than five members of said committee.*

(b) To make such rules and regulations with respect to fruit for which it was established as may be necessary to effectuate the terms and provisions of this part.

(c) To forward to the Control Committee and to the Secretary a record of the minutes of each meeting of the commodity committee.

(d) To establish such other committees to aid the commodity committee in the performance of its duties under this part as may be deemed advisable.

(e) Each season prior to any recommendation to the Secretary for a regulation of shipments pursuant to §§ 917.40 through 917.43 to determine the marketing policy to be followed for the respective commodity during the ensuing fiscal period and to submit such policy to the Secretary, said policy report to contain, among other provisions, information relative to the estimated total production and shipments of the fruit by districts, information as to the expected general quality and size of fruit, possible or expected demand conditions of different market outlets, supplies of competitive commodities, such analysis of the foregoing factors and conditions as the committee deems appropriate, and the type of regulations of shipments expected to be recommended for the respective fruit.

#### EXPENSES AND ASSESSMENTS

##### § 917.36 Expenses.

The Control Committee is authorized to incur such expenses as the Secretary may find are reasonable and are likely to be incurred by the Control Committee during each fiscal period for maintenance and functioning of such committee and the respective commodity committees and for such research and service activities relating to the handling of fruit as the Secretary may determine to be appropriate. The funds to cover such expenses shall be acquired by the levying of assessments as provided in § 917.37.

##### § 917.37 Assessments.

(a) As his pro rata share of the expenses which the Secretary finds are reasonable and are likely to be incurred by the Control Committee during a fiscal period, each handler shall pay to the committee, upon demand, assessments on all fruit handled by him. The payment of assessments for the maintenance and functioning of the committees may be required under this part throughout the period it is in effect irrespective of whether particular provisions thereof are suspended or become inoperative.

(b) The Secretary shall fix the respective rate of assessment which handlers shall pay with respect to each fruit during each fiscal period in an amount designed to secure sufficient funds to cover the respective expenses which may be incurred during such period. At any time during or after the fiscal period, the



Secretary may increase the rates of assessment in order to secure funds to cover any later findings by the Secretary relative to such expenses, and such increase shall apply to all fruit shipped during the fiscal period.

(c) In order to provide funds to carry out the functions of the Control Committee and commodity committees prior to the commencement of shipments in any season, shippers may make advance payments of assessments, which advance payments shall be credited to such shippers and the assessments of such shippers shall be adjusted so that such assessments are based upon the quantity of fruit shipped by such shippers during such season. Any shipper who ships fruit for the account of a grower may deduct, from the account of sale covering such shipment or shipments, the amount of assessment levied on said fruit shipped for the account of such grower.

#### § 917.33 Accounting.

If, at the end of a fiscal period the assessments collected are in excess of expenses incurred, the Control Committee, with the approval of the Secretary, may carry over such excess into subsequent fiscal periods as a reserve: *Provided*, That funds already in the reserve do not exceed approximately one fiscal period's expenses. Such reserve funds may be used (1) to cover any expenses authorized by this part and (2) to cover necessary expenses of liquidation in the event of termination of this part. If any such excess is not retained in a reserve, each handler entitled to a proportionate refund shall be credited with such refund against the operations of the following fiscal period or be paid such refund. Upon termination of this part, any funds not required to defray the necessary expenses of liquidation shall be disposed of in such manner as the Secretary may determine to be appropriate: *Provided*, That, to the extent practical, such funds shall be returned pro rata to the persons from whom such funds were collected.

#### RESEARCH

#### § 917.39 Market research and development.

The committees, with the approval of the Secretary, may establish or provide for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of fruit. The expense of such projects shall be paid from funds collected pursuant to § 917.37.

#### REGULATIONS

#### § 917.40 Recommendations for regulations.

(a) Whenever a commodity committee deems it advisable to regulate the handling of any variety or varieties of fruit in the manner provided in § 917.41, it shall so recommend to the Secretary.

(b) In arriving at its recommendations for regulation pursuant to paragraph (a) of this section, the commodity committee shall give consideration to current information with respect to the

factors affecting the supply and demand for such fruit during the period or periods when it is proposed that such regulation should be made effective. With each such recommendation for regulation, the commodity committee shall submit to the Secretary the data and information on which such recommendation is predicated and such other available information as the Secretary may request.

#### § 917.41 Issuance of regulations.

(a) The Secretary shall regulate, in the manner specified in this section, the handling of any variety or varieties of fruit whenever he finds, from the recommendations and information submitted by the commodity committee, or from other available information, that such regulations will tend to effectuate the declared policy of the act. Such regulations may:

(1) Limit, during any period or periods, the total quantity of any grade, size, quality, maturity, or pack, or any combination thereof, of any variety or varieties of fruit;

(2) Limit the shipment of any variety or varieties of fruit by establishing, in terms of grades, sizes, or both, minimum standards of quality and maturity during any period when season average prices are expected to exceed the parity level;

(3) Fix the size, capacity, weight, dimensions, markings, or pack of the container, or containers, which may be used in the packaging or handling of any fruit;

(b) The commodity committee shall be informed immediately of any such regulation issued by the Secretary, and the commodity committee shall promptly give notice thereof to handlers.

#### § 917.42 Modification, suspension, or termination of regulations.

(a) In the event the commodity committee at any time finds that, by reason of changed conditions, any regulations issued pursuant to § 917.41 should be modified, suspended, or terminated, it shall so recommend to the Secretary.

(b) Whenever the Secretary finds, from the recommendations and information submitted by the commodity committee or from other available information, that a regulation should be modified, suspended, or terminated with respect to any or all shipments of fruit in order to effectuate the declared policy of the act, he shall modify, suspend, or terminate such regulation. If the Secretary finds that a regulation obstructs or does not tend to effectuate the declared policy of the act, he shall suspend or terminate such regulation. On the same basis and in like manner the Secretary may terminate any such modification or suspension.

#### § 917.43 Special purpose shipments.

(a) Except as otherwise provided in this section, any person may, without regard to the provisions of §§ 917.37, 917.41, 917.42, and 917.44, and the regulations issued thereunder, handle fruit (1) for

consumption by charitable institutions; (2) for distribution by relief agencies; or (3) for commercial processing into products.

(b) Upon the basis of recommendations and information submitted by the commodity committee, or from other available information, the Secretary may relieve from any or all requirements, under or established pursuant to §§ 917.41, 917.42, 917.45, or 917.37, the handling of fruit; (1) To designate market areas outside the continental United States; (2) for such specified purposes (including shipments to facilitate the conduct of marketing research and development projects established pursuant to § 917.39); or (3) in such minimum quantities or types of shipments, as may be prescribed.

(c) The commodity committee shall, with the approval of the Secretary, prescribe such rules, regulations, and safeguards as it may deem necessary to prevent fruit handled under the provisions of this section from entering the channels of trade for other than the specified purposes authorized by this section. Such rules, regulations, and safeguards may include the requirements that handlers shall file applications and receive approval from the commodity committee for authorization to handle fruit pursuant to this section, and that such applications be accompanied by a certification by the intended purchaser or receiver that the fruit will not be used for any purpose not authorized by this section.

#### § 917.44 Exemptions.

(a) Each commodity committee established pursuant to this part for a particular fruit, shall, subject to the approval of the Secretary, adopt the procedural rules to govern the issuance of exemption certificates.

(b) In the event the Secretary issues a regulation for a particular fruit pursuant to the provisions of §§ 917.40 and 917.41, the commodity committee, or its agents, established pursuant to this part for such fruit shall determine what the percentage of such fruit permitted to be shipped from each district is of the total quantity of such fruit which would be shipped from such district in the absence of such regulation. An exemption certificate shall thereafter be issued by such committee to any grower who furnishes proof, satisfactory to such committee, that by reason of conditions beyond his control he will be prevented, because of the regulation issued, from shipping, or having shipped, a percentage of his crop of such fruit equal to the percentage determined as aforesaid, of all such fruit permitted to be shipped from his district. The certificate shall permit such grower to ship, or have shipped, a percentage of his crop of such fruit equal to the percentage determined as aforesaid. Each such commodity committee shall maintain a record of all applications submitted for exemption certificates pursuant to the provisions of this section, and shall maintain a record of all certificates issued, including the information used in determining in each

instance the quantity of fruit thus to be exempted, and a record of all shipments of exempted fruit. Such additional information as the Secretary may require shall be recorded in the records of such committee. Each commodity committee shall, from time to time, submit to the Secretary reports stating in detail the number of exemption certificates issued, the quantity of fruit thus exempted, and such additional information as may be requested by the Secretary.

(c) In the event the commodity committee, established pursuant to this part for a particular fruit, determines that by reason of general crop failure or any other unusual conditions within a particular district or districts, it is not feasible or would not be equitable to issue exemption certificates to growers within such district or districts on the basis set forth in paragraph (b) of this section, it may issue exemption certificates on the basis of the average of the percentages, as determined under paragraph (b) of this section, of the crops of such fruit permitted to be shipped from all districts. An exemption certificate shall thereafter be issued by such committee to any grower who furnishes proof satisfactory to such committee to the effect that such grower will be prevented, because of the aforesaid regulation, from shipping, or having shipped, as large a percentage of his crop of such fruit as the average of the percentages, as determined under paragraph (b) of this section, of the crops of such fruit permitted to be shipped from all districts. The certificate shall permit such grower to ship, or have shipped, a percentage of his crop of such fruit equal to the average of the percentages determined as aforesaid.

(d) If any grower is dissatisfied with the action of a commodity committee taken with respect to his application for an exemption certificate, such grower may appeal to the Secretary: *Provided*, That such appeal shall be made promptly. The Secretary may, upon an appeal made as aforesaid, modify or reverse the action of the committee from which such appeal was taken. The authority of the Secretary to supervise and control the issuance of exemption certificates is unlimited and plenary; and any determination by the Secretary with respect to an exemption certificate shall be final and conclusive.

#### § 917.45 Inspection and certification.

(a) Whenever the handling of any variety of a particular fruit is regulated pursuant to §§ 917.41 or 917.42, each handler who handles such fruit shall, prior thereto, cause such fruit to be inspected by the Federal or Federal-State Inspection Service: *Provided*, That inspection and certification shall not be required if such fruit has previously been so inspected and certified. Promptly after inspection and certification, each such handler shall submit, or cause to be submitted, to the commodity committee a copy of the certificate of inspection issued with respect to such fruit. The commodity committees may, with

the approval of the Secretary, prescribe rules and regulations waiving the inspection requirements of this section where it is determined that inspection is not available: *Provided*, That all shipments made under such waiver shall comply with all regulations in effect.

(b) The Control Committee may enter into an agreement with the Federal and Federal-State Inspection Services with respect to the costs of the inspection required by paragraph (a) of this section, for any or all fruits, and may collect from handlers their respective pro rata shares of such costs.

#### REPORTS

##### § 917.50 Reports.

(a) Each handler shall furnish to the Manager of the Control Committee, at such times and for such periods as the Control Committee or the Commodity Committees may designate, certified reports covering, to the extent necessary for the committees to perform their functions, each shipment of fruits as follows:

- (1) The name of the shipper and the shipping point;
  - (2) The car or truck license number (or name of the trucker), and identification of the carrier;
  - (3) The date and time of departure;
  - (4) The number and type of containers in the shipment;
  - (5) The quantities shipped, showing separately the variety, grade, and size of the fruit;
  - (6) The destination;
  - (7) Identification of the inspection certificate or waiver pursuant to which the fruit was handled;
  - (8) The price per package at which sold, including specific and detailed information relative to all discounts, allowances, rebates, or other adjustments thereof.
- (b) Upon request of any committee, made with the approval of the Secretary, each handler shall furnish to the Manager of the Control Committee, in such manner and at such times as it may prescribe, such other information as may be necessary to enable the committee to perform its duties under this part.

(c) Each handler shall maintain for at least two succeeding fiscal years, such records of the fruits received and disposed of by him as may be necessary to verify the reports he submits to the committee pursuant to this section.

(d) All reports and records submitted by handlers pursuant to the provisions of this section shall be received by, and at all times be in custody of, one or more designated employees of the Control Committee. No such employee shall disclose to any person, other than the Secretary upon request therefor, data or information obtained or extracted from such reports and records which might affect the trade position, financial condition, or business operation of the particular handler from whom received: *Provided*, That such data and information may be combined, and made available to any person, in the form of general reports in which the identities

of the individual handlers furnishing the information are not disclosed and may be revealed to any extent necessary to effect compliance with the provisions of this part and the regulations issued thereunder.

#### MISCELLANEOUS PROVISIONS

##### § 917.60 Effective time.

The provisions of this part and of any amendment thereto, shall become effective at such time as the Secretary may declare above his signature and shall continue in force until terminated in one of the ways specified in § 917.61.

##### § 917.61 Termination.

(a) The Secretary may at any time terminate the provisions of this part by giving at least one day's notice by means of a press release or in any other manner in which he may determine.

(b) The Secretary shall terminate or suspend the operation of any and all of the provisions of this part whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(c) The Secretary shall terminate the provisions of this part or the applicability of the provisions of this part as to a particular fruit whenever he finds by referendum or otherwise that such termination is favored by a majority of the growers of the fruit: *Provided*, That such majority has during the current fiscal period produced more than 50 percent of the volume of the fruit which was produced within the production area for shipment in fresh form. Such termination shall become effective on the first day of March subsequent to the announcement thereof by the Secretary.

(d) The Control Committee shall consider all petitions from growers submitted to it for termination of this part provided such petitions are received by the Control Committee prior to October 1 of the then current fiscal period. Upon recommendation of the Control Committee, received not later than December 1 of the then current fiscal period, the Secretary shall conduct a referendum among the growers of the particular kind of fruit prior to February 15 of such fiscal period to ascertain whether continuance of this part is favored by producers.

(e) The Secretary shall conduct a referendum within the period beginning December 1, 1968, and ending February 15, 1969, to ascertain whether continuance of this part as to any fruit included in this part is favored by the growers. The Secretary shall conduct such a referendum within the same period of every fourth fiscal period thereafter.

(f) The provisions of this part shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

##### § 917.62 Proceedings after termination.

(a) Upon the termination of the provisions of this part pertaining to any fruit or fruits, the Control Committee then functioning shall for the purpose of liquidating the affairs of the Control Committee with respect to such fruit

continue as trustee of all the funds and property then in its possession, or under its control, including claims for any funds unpaid or property not delivered at the time of such termination.

(b) The said trustees shall (1) continue in such capacity until discharged by the Secretary; (2) from time to time account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committee and of the trustees, to such persons as the Secretary may direct; and (3) upon the request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person, full title and right to all funds, property, and claims vested in the Control Committee or the trustees pursuant thereto.

(c) Any person to whom funds, property, or claims have been transferred or delivered, pursuant to this section, shall be subject to the same obligation imposed upon the Control Committee and upon the trustees.

#### § 917.63 Effect of termination or amendment.

Unless otherwise expressly provided by the Secretary, the termination of this subpart or of any regulation issued pursuant to this subpart, or the issuance of any amendment to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this subpart or any regulation issued under this subpart, or (b) release or extinguish any violation of this subpart or of any regulation issued under this subpart, or (c) affect or impair any rights or remedies of the Secretary or of any other person with respect to any such violation.

#### § 917.64 Compliance.

Each shipper shall comply with all regulations. No shipper shall ship fruit in violation of the provisions of this part or in violation of any regulation issued by the Secretary pursuant to the provisions of this part.

#### § 917.65 Duration of immunities.

The benefits, privileges, and immunities conferred by virtue of the provisions of this subpart shall cease upon its termination except with respect to acts done under and during the time the provisions of this part are in force and effect.

#### § 917.66 Agents.

The Secretary may by a designation in writing name any person, including any officer or employee of the Government or any agency or Division in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this part.

#### § 917.67 Derogation.

Nothing contained in this part is or shall be construed to be in derogation or

in modification of the rights of the Secretary or of the United States to exercise any powers granted by the act or otherwise, and in accordance with such powers to act in the premises whenever such action is deemed advisable.

#### § 917.68 Liability of committee members.

No member of the Control Committee, any commodity committee, or other committee, or any subcommittee, or any employee of the Control Committee shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any shipper or any other person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member or employee, except for acts of dishonesty.

#### § 917.69 Separability.

If any provision of this part is declared invalid or the applicability thereof to any person, circumstance, thing, or any particular kind of fruit is held invalid, the validity of the remainder of this part or the applicability thereof to any other person, circumstance, thing, or kind of fruit shall not be affected thereby.

#### § 917.70 Counterparts.\*

This agreement may be executed in multiple counterparts and when one counterpart is signed by the Secretary, all such counterparts shall constitute, when taken together, one and the same instrument as if all such signatures were contained in one original.

#### § 917.71 Additional parties.\*

After the effective date hereof, any handler may become a party to this agreement if a counterpart thereof is executed by him and delivered to the Secretary. This agreement shall take effect as to such new contracting party at the time such counterpart is delivered to the Secretary; and the benefits, privileges, and immunities conferred by this agreement shall then be effective as to such new contracting party.

#### § 917.72 Order with marketing agreement.\*

Each signatory handler hereby requests the Secretary to issue an order, pursuant to the act, regulating the handling of fruit by all handlers in the same manner as provided in this agreement: *Provided, however,* That the provisions hereof may be made effective and applicable by the Secretary with regard to fresh pears, plums, and peaches, jointly or severally, and the failure to make the provisions hereof effective and applicable to one or two of said fruits shall not prevent the Secretary from making the provisions hereof effective and applicable with regard to the other fruit or fruits.

Dated: October 11, 1965.

CLARENCE H. GHRARD,  
Deputy Administrator,  
Regulatory Programs.

[F.R. Doc. 65-10978; Filed, Oct. 13, 1965;  
8:50 a.m.]

[ 7 CFR Parts 1030, 1031, 1032, 1038, 1039, 1051, 1062, 1063, 1067, 1070, 1078, 1079 ]

[Docket No. AO 101-A30 etc.]

### CHICAGO, ILL., MARKETING AREA ET AL.

### Notice of Reconvened Hearing on Proposed Amendments to Tentative Marketing Agreements and Orders

7 CFR Parts	Marketing areas	Docket Nos.
1030	Chicago, Ill.	AO 101-A30.
1031	Northwestern Indiana	AO 170-A17.
1032	Suburban St. Louis	AO 313-A7.
1038	Rock River Valley	AO 194-A9.
1039	Milwaukee, Wis.	AO 212-A15.
1051	Madison, Wis.	AO 329-A2.
1062	St. Louis, Mo.	AO 10-A32.
1063	Quad Cities-Dubuque	AO 105-A19.
1067	Ozarks	AO 222-A16.
1070	Cedar Rapids-Iowa City	AO 229-A11.
1078	North Central Iowa	AO 272-A6.
1079	Des Moines, Iowa	AO 295-A7.

The hearing with respect to proposed amendments to the tentative marketing agreements and to the orders regulating the handling of milk in the respective marketing areas designated hereinbefore, notice of which was published in the FEDERAL REGISTER dated August 6, 1965 (30 F.R. 9829), and September 11, 1965 (30 F.R. 11694), was recessed on September 30, 1965, to be reconvened on November 2, 1965, at a time and place to be announced by the Hearing Examiner.

Pursuant to the provisions of § 900.8 of the Rules of Practice and Procedure Governing Proceedings to Formulate Marketing Agreements and Marketing Orders (7 CFR 900.8) notice is hereby given that the said public hearing will be reconvened at 9:30 a.m., local time, on November 2, 1965, in the Conrad Hilton Hotel, 720 South Michigan Avenue, Chicago, Ill.

Signed at Washington, D.C., on October 11, 1965.

G. OSMOND HYDE,  
Chief Hearing Examiner.

[F.R. Doc. 65-10923; Filed, Oct. 13, 1965;  
8:45 a.m.]

### Commodity Exchange Authority

#### [ 17 CFR Part 1 ]

#### RECORD KEEPING

#### Controlled Accounts

Notice is hereby given, in accordance with section 4 of the Administrative Procedure Act (5 U.S.C. 1003), that the Secretary of Agriculture, pursuant to the authority of section 8a of the Commodity Exchange Act (7 U.S.C. 12a), is considering amending § 1.33a of the general regulations (17 CFR 1.33a) under the Commodity Exchange Act, to read as follows:

#### § 1.33a Controlled accounts.

(a) With respect to any account controlled by any person other than the cus-



tomor for whom such account is carried, each futures commission merchant shall (1) promptly confirm in writing directly to the customer for whom such account is carried the execution of any trade originated by the controller of the account and retain a copy of such confirmation in accordance with the requirements of § 1.31; and (2) clearly show on each monthly statement furnished as required by § 1.33, or on an accompanying supplemental statement, the net profit or loss on all contracts closed since the date of the previous statement, and the net unrealized profit or loss in all open contracts figured to the market: *Provided, however*, That the provisions of this paragraph shall not apply to an account controlled by the spouse, parent, or child of the customer for whom such account is carried.

(b) With respect to any account carried for or in the name of a pool or combination of persons trading in commodities, each futures commission merchant shall furnish promptly to each individual participating in such pool or combination a copy of the monthly statement provided for by § 1.33, and clearly show on such statement, or on an accompanying supplemental statement, the further information specified in paragraph (a) (2) of this section. It is not required that the confirmation provided for by paragraph (a) (1) of this section be sent to the several individuals participating in such a pool or combination.

Any person who may wish to submit written data, views, or arguments on the proposed amendment may do so by filing them with the Administrator, Commodity Exchange Authority, U.S. Department of Agriculture, Washington, D.C., within 30 days after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

Done at Washington, D.C., this 11th day of October 1965.

ALEX C. CALDWELL,  
Administrator,  
Commodity Exchange Authority.

[F.R. Doc. 65-10920; Filed, Oct. 13, 1965; 8:45 a.m.]

## CIVIL AERONAUTICS BOARD

### [ 14 CFR Part 243 ]

[Docket No. 16477]

## REPORTING RESULTS OF SERVICES PERFORMED FOR THE DEPARTMENT OF DEFENSE

### Supplemental Notice of Proposed Rule Making

OCTOBER 12, 1965.

The Board, by publication in 30 F.R. 11729 and by circulation of notice of proposed rule making EDR-92, dated September 8, 1965, gave notice that it had under consideration promulgation

of new Part 243 of the Economic Regulations and related CAB Form 243, which would provide for the separate reporting of results of charter services performed under contracts with the Military Air Transport Service and traffic derived from specified Department of Defense sources. Interested persons were invited to participate in the rule making proceeding through submission of ten (10) copies of written data, views, or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C., 20428, on or before October 14, 1965.

Various air carriers have requested that the time for submitting comments be extended until November 15, 1965, in order that industry representatives may complete a study of the proposal.

The undersigned finds that good cause has been shown for the extension of time requested. Accordingly, pursuant to authority delegated under section 7.3C of Public Notice PN-15 dated July 3, 1961, the undersigned hereby extends the date for submitting comments on the subject proposal to November 15, 1965. All relevant matter received on or before that date will be considered by the Board before taking action on the proposal. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 710 Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

(Secs. 204(a) and 407, Federal Aviation Act of 1958, 72 Stat. 743, 766; 49 U.S.C. 1324, 1377)

By the Civil Aeronautics Board.

[SEAL] ARTHUR H. SIMMS,  
Associate General Counsel,  
Rules and Special Counsel Division.

[F.R. Doc. 65-11066; Filed, Oct. 13, 1965; 10:25 a.m.]

### [ 14 CFR Part 378 ]

[Docket No. 15777]

## ALL-EXPENSE TOURS BY SUPPLEMENTAL AIR CARRIERS AND TOUR OPERATORS

### Supplemental Notice of Proposed Rule Making

OCTOBER 11, 1965.

By notice of proposed rule making, SPDR-6, dated January 5, 1965, and published in 30 F.R. 281, the Board gave notice that it had under consideration (1) the amendment of the interim certificates and interim operating authorizations of supplemental air carriers whom the Board finds qualified to perform all-expense-paid tours in interstate and overseas air transportation, and (2) the promulgation of a new Part 378 of the Board's Special Regulations to authorize, subject to the conditions provided therein, all-expense tours by tour operators with the air transportation portion thereof provided by the supplemental air carriers. Following the submission of extensive comments on this proposal by supplemental air carriers, route carriers,

travel agents, and other interested persons, and after further consideration, the Board decided (Supplemental Notice of Proposed Rule Making, SPDR-6A; Apr. 27, 1965, 30 F.R. 6119) to defer further action in the rule making proceeding until after issuance of the Examiner's Initial Decision in the Supplemental Air Service Proceeding, Docket 13795, et al.

On August 27, 1965, the Examiner issued his decision in the Supplemental case recommending, inter alia, that supplemental air carriers be granted all-expense tour authority in interstate, overseas and foreign air transportation (except the transatlantic market) for an experimental 5-year period. In addition, the Board recently reopened the Transatlantic Charter Investigation, Docket 11908, et al., in order to determine whether the public convenience and necessity require the grant of all-expense tour authority to Capitol Airways, Saturn Airways and any supplemental air carrier subsequently certificated to serve the transatlantic market (Order E-22686, Sept. 23, 1965). Oral arguments before the Board are scheduled to be held in both of these proceedings commencing on October 13, 1965.

In the event the Board grants all-expense tour authority to supplemental air carriers in either or both of the above two certification proceedings, the Board also proposes to grant authority to tour operators, coextensive with that of the supplementals, by means of a blanket exemption from appropriate provisions of Title IV of the Federal Aviation Act. In view of the fact that Part 378, as currently proposed, is concerned only with the granting of all-expense tour authority to tour operators on an interim basis pending completion of the Supplemental case, and because tour operator authority is not at issue in either the Supplemental or Transatlantic Charter cases, the Board deems it necessary to amend proposed Part 378 to provide an exemption to tour operators in the event that the Board grants all-expense tour authority to supplemental air carriers in the Supplemental or Transatlantic Charter cases. While the proposed amended rule provides for a period of authorization coextensive with that of the supplemental carriers, the Board will consider proposals for a shorter period. Again, to be consistent with the scope of all-expense tour authority contemplated in the two certification proceedings, proposed Part 378 must be further amended to cover all-expense tours in foreign air transportation, as well as those in interstate and overseas air transportation.

Accordingly, §§ 378.1, 378.2, and 378.6 of Subpart A of proposed Part 378 are amended as follows:

#### § 378.1 Applicability.

This part establishes the terms and conditions governing the furnishing of all-expense tours in interstate, overseas and foreign air transportation. \* \* \*

#### § 378.2 Definitions.

As used in this part, unless the context otherwise requires:

(a) "All-expense tour charter" means the charter of an entire aircraft by a tour operator for the carriage by a supplemental air carrier of persons traveling in interstate, overseas, or foreign air transportation on all-expense tours.

§ 378.6 Duration of exemption.

(a) The relief from any provisions of Title IV of the Act provided by §§ 378.3 and 378.4 shall terminate—

(1) On the termination date of the all-expense tour authority granted to supplemental air carriers pursuant to the Board's final decision in the Supplemental Air Service Proceeding, Docket 13795, et al., or, where applicable, the Transatlantic Charter Investigation, Docket 11908, et al.; or

(2) At such time as the Board shall find, with or without hearing, that enforcement of such provision as to all tour operators or any class of or individual tour operator, would be in the public interest or would no longer be a burden upon such operator or operators, whichever shall first occur.

(b) The Board reserves the power to suspend the exemption authority of any tour operator, without notice or hearing, if it finds that such action is necessary in order to protect the rights of the traveling public.

Interested persons may comment on the above amendments through the submission of ten (10) copies of written views addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C., 20428. All relevant matter in communications received on or before November 2, 1965, will be considered by the Board. Copies of all such communications will be available for examination by interested persons in the Docket Section of the Board, Room 710, Universal Building, 1825 Connecticut Avenue NW, Washington, D.C., upon receipt thereof.

In the absence of any objections, the Board intends, in formulating the final rule in this proceeding, to rely upon the comments and reply comments previously submitted herein, as well as pertinent materials elicited in the Supplemental and Transatlantic Charter cases.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,  
Secretary.

[F.R. Doc. 65-10979; Filed, Oct. 13, 1965;  
8:50 a.m.]

## FEDERAL AVIATION AGENCY

### [14 CFR Part 71]

[Airspace Docket No. 65-SO-72]

#### TRANSITION AREA AND CONTROL AREA EXTENSION

#### Proposed Alteration, Designation, and Revocation

The Federal Aviation Agency is considering amendments to Part 71 of the

Federal Aviation Regulations that would alter the Macon, Ga., transition area; designate a transition area at Allendale, S.C.; and revoke the Allendale control area extension.

The Macon, Ga., transition area is presently designated as that airspace extending upward from 700 feet above the surface within an 8-mile radius of the Robins AFB; within 8 miles SE and 5 miles NW of the Macon ILS localizer SW course extending from the Macon Municipal Airport to 12 miles SW of the ILS OM; that airspace extending upward from 1,200 feet above the surface within a 35-mile radius of the Macon VORTAC; within the area N of Macon bounded on the N by V-18, on the E by V-35, and on the SW by V-267; within the area SE of Macon bounded on the NW by V-70, on the NE by V-5, on the E by V-157 and on the SW by V-243; that airspace extending upward from 3,000 feet MSL within the area NE of Macon extending from the 35-mile radius area bounded on the N by V-18, on the E by longitude 82°50'00" W., on the SE by V-56 and on the W by V-35; within the area E of Macon extending from the 35-mile radius area bounded on the NW by V-56, on the N by a line extending through latitude 33°03'50" N., longitude 82°50'00" W., and latitude 33°03'40" N., longitude 82°30'00" W., on the E by longitude 82°30'00" W., on the SE by V-70, and on the S by V-154; within the area SE of Macon bounded on the N by V-154, on the E by longitude 82°30'00" W., on the SE by a line extending from latitude 32°15'00" N., longitude 82°30'00" W., through latitude 32°10'00" N., longitude 82°42'15" W., on the W by V-267, and on the NW by V-70; and the area S of Macon bounded on the N by V-70, on the E by V-243, on the S by latitude 32°00'00" N., and on the W by V-35, excluding the portion within the Atlanta, Ga., transition area.

The Allendale, S.C., control area extension is presently designated as that airspace SW of the Allendale VOR bounded on the N by V-70, on the SW by V-5E and on the SE by V-157.

The proposed Macon, Ga., transition area would be designated as that airspace extending upward from 700 feet above the surface within an 8-mile radius of the Robins AFB; within 8 miles SE and 5 miles NW of the Macon ILS localizer SW course extending from the Macon Municipal Airport to 12 miles SW of the ILS OM; that airspace extending upward from 1,200 feet above the surface within a 35-mile radius of the Macon VORTAC; within the area N of Macon bounded on the N by V-18, on the E by V-35, and on the SW by V-267; within the area SE of Macon bounded on the NW by V-70, on the NE by V-5, on the E by V-157 and on the SW by V-243; that airspace extending upward from 3,000 feet MSL within the area NE of Macon extending from the 35-mile radius area bounded on the N by V-18, on the E by longitude 82°50'00" W., on the SE by V-56 and on the W by V-35; within

the area E of Macon extending from the 35-mile radius area bounded on the NW by V-56, on the N by a line extending through latitude 33°03'50" N., longitude 82°50'00" W., and latitude 33°03'40" N., longitude 82°30'00" W., on the E by longitude 82°30'00" W., on the SE by V-70, and on the S by V-154; and the area S of Macon bounded on the N by V-70, on the E by V-243, on the S by latitude 32°00'00" N., and on the W by V-35, excluding the portion that coincides with the Atlanta, Ga., transition area.

The Allendale, S.C., transition area would be designated as that airspace extending upward from 2,700 feet MSL bounded on the NW by V-70, on the SE by V-157 and on the SW by V-267/5E; excluding federal airways.

The Allendale, S.C., control area extension would be revoked since the needed airspace to meet air traffic control and IFR/VFR user requirements would be designated through the implementation of CAR 60.21/60.29.

The proposed Macon, Ga., transition area alteration is necessary as the proposed Allendale, S.C., transition area encompasses that portion that is to be revoked in the alteration.

The proposed Allendale, S.C., transition area is required for efficient and maximum radar vectoring service for aircraft en route, arriving and departing the Savannah, Ga., and Beaufort, S.C., terminal areas and for the protection of SID's from Travis Field and Hunter AFB, Ga.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Area Manager, Atlanta Area Office, Attention: Chief, Air Traffic Branch, Post Office Box 20636, Atlanta, Ga., 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Air Traffic Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Southern Regional Office, Federal Aviation Agency, Room 724, 3400 Whipple Street, East Point, Ga.

These amendments are proposed under section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)).

Issued in East Point, Ga., on October 6, 1965.

JACK G. WEBB,  
Acting Director, Southern Region.

[F.R. Doc. 65-10933; Filed, Oct. 13, 1965;  
8:46 a.m.]

# FEDERAL COMMUNICATIONS COMMISSION

[ 47 CFR Part 73 ]

[Docket No. 16222; FCC 65-908]

## RADIO BROADCAST SERVICES

### Data Required With Applications for Directional Antenna Systems

In the matter of amendment of Part 73 of the Commission rules to specify, in lieu of the existing MEOV concept, a standard method for calculating radiation for use in evaluating interference, coverage and overlap of mutually prohibited contours in the Standard Broadcast Service; Docket No. 16222.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. The Commission has long recognized that the actual operating characteristics of directional antenna systems used in the standard broadcast band may differ from theoretical characteristics and that methods generally available for determining actual performance are dependent upon imprecise human judgments. Heretofore, the Commission has required a showing, based largely on judgment, of what has been termed "Maximum Expected Operating Values" (MEOV). It is the purpose of this proceeding to delete from the Commission rules existing references to MEOV and to substitute a standard method for determining the levels of radiation to use in evaluating interference, coverage and overlap of mutually prohibited contours. A standard method of calculation is especially desirable since it would lend itself to computer methods now under active study.

3. Based upon our study and analysis of directional antenna systems both as to promise and performance, we believe that a reasonably accurate prediction of actual radiation in any direction may be obtained by one of two methods: by adding, in quadrature, the theoretical field in the pertinent direction and either 10 percent of the horizontal root-mean-square (RMS) field strength or 10 percent of the horizontal root-sum-square (RSS) field strength. Comments are specifically requested on which of these proposals will provide a more reliable value of expected radiation.

4. If such a proposal is to have meaning, it is necessary to provide a standardized means for determining RMS or RSS values of field strength for, otherwise, those values may be adjusted to accommodate assignment requirements rather than to define the expected performance of the directional antenna system involved.

5. In the calculation of either the RMS or RSS value of field strength of a directional antenna system, one parameter which is available for standardization is assumed tower loss resistance. It has been the practice of many consulting engineers to assume a loss resistance of two ohms per tower. However, it is possible by careful physical

construction, to obtain an apparent loss resistance of less than two ohms per tower with an attendant increase in measured field strength. Since one of the purposes of a proof-of-performance is to establish that the radiation pattern has been adjusted within authorized limits, the problem of proofs-of-performance showing greater than authorized values of radiation has not been a simple one for either a permittee or the Commission. One solution to the problem might be to require the calculation of theoretical field strength assuming no power loss. It is our belief, however, that such a proposal would result in the prediction of service and interference where none would exist. On the basis of our studies, we believe that a reasonable determination of horizontal field strength whether RMS or RSS, as a basis for the addition of the above-mentioned values, can be obtained by assuming a loss resistance of one ohm per tower and that this value should be standard in all directional antenna calculations.

6. Subsequent to the adoption of rules standardizing design procedures for directional antenna systems, and assuming successful international coordination, it is anticipated that nighttime interference calculations will be accomplished on a theoretical basis rather than on the basis of measured directional patterns. In this event it may be possible for the Commission to publish channel studies showing nighttime interference levels between co-channel stations.

7. Accordingly, it is proposed to amend § 73.150 of the Commission rules as set forth below. If adopted, the amended rule would apply to all applications tendered for filing on or after the effective date of the amended rule.

8. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules, interested persons may file comments on or before January 14, 1966, and reply comments on or before January 31, 1966. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to specific comments invited by this notice.

9. Authority for the adoption of the amendment proposed herein is contained in section 4(i), 303(f), and 303(r) of the Communications Act of 1934, as amended.

10. In accordance with the provisions of § 1.419 of the rules, an original and 14 copies of all comments, replies, pleadings, briefs, and other documents shall be furnished the Commission.

Adopted: October 6, 1965.

Released: October 8, 1965.

FEDERAL COMMUNICATIONS  
COMMISSION,<sup>1</sup>

[SEAL] BEN F. WAPLE,  
Secretary.

<sup>1</sup> Commissioners Henry, Chairman; and Hyde absent.

It is proposed to amend Part 73—Radio Broadcast Services—as indicated below:

In § 73.150, paragraph (a) is amended to revise subparagraphs (1) (vii), (2) (i) and (6) to read as follows:

§ 73.150 Data required with applications for directional antenna systems.

(a) \* \* \*

(1) \* \* \*

(vii) Ratio of fields from elements (identifying elements). The element with the highest field shall be considered to be the reference tower.

(2) \* \* \*

(i) Inverse distance field strength at one mile and horizontal effective field intensity (RMS) predicted on a base loss resistance per tower of 1 ohm. This loss shall be standard for all directional antenna calculations.

or

(i) Inverse distance field strength at one mile, RMS horizontal field strength and RSS horizontal field strength predicted with an assumed base loss resistance per tower of one ohm. This loss shall be standard for all directional antenna calculations.

\* \* \* \* \*

(6) In addition to the calculated pattern required in subparagraphs (2) and (3) of this paragraph, the full patterns and enlarged sections shall show an adjusted inverse distance field at one mile calculated by adding in quadrature the theoretical field radiated in the pertinent direction and 10 percent of the effective field intensity (RMS) in the ground plane computed as required by subparagraph (2) (i) of this paragraph. The adjusted inverse distance field defines the radiation to be used in evaluating coverage, interference, and overlap of mutually prohibited contours.

or

(6) In addition to the calculated pattern required in subparagraphs (2) and (3) of this paragraph, the full patterns and enlarged sections shall show an adjusted inverse distance field at one mile calculated by adding in quadrature the theoretical field radiated in the pertinent direction and 10 percent of the RSS field strength in the ground plane computed as required by subparagraph (2) (i) of this paragraph. The adjusted inverse distance field defines the radiation to be used in evaluating coverage, interference, and overlap of mutually prohibited contours.

\* \* \* \* \*

[F.R. Doc. 65-10973; Filed, Oct. 13, 1965; 8:50 a.m.]

[ 47 CFR Parts 81, 83 ]

[Docket No. 16219; FCC 65-892]

## STATIONS ON LAND AND SHIP- BOARD IN MARITIME SERVICES

Certain Frequency Available for Continuous Public Ship-Shore Use in Baltimore, Md., Area

In the matter of amendment of Parts 81 and 83 of the Commission's rules to

make the frequency 2400 kc/s (coast and ship) employing telephony available for public ship-shore use in the Baltimore, Md., area for continuous hours of service; Docket No. 16219 (RM-412).

1. Notice is hereby given of proposed rule making in the above-entitled matter. The amendments proposed to be adopted are set forth below.

2. Maryland Port Authority, Baltimore Md., has filed a petition requesting that §§ 81.306 and 83.354 of the Commission's rules be amended to provide for an additional frequency for public ship-shore radiotelephone communication in the vicinity of Baltimore, Md., for continuous hours of service.

3. The requested coast and ship frequency, 2400 kc/s, is not now assigned to ships or to any public Class II-B coast station.

4. The petitioner has also filed an application for construction permit to modify the present facilities of station WMMH, Baltimore, Md., to add the frequency 2400 kc/s for public radiotelephone service.

5. Petitioner states that the request is based on a demonstrated need for an additional radiotelephone frequency (2400 kc/s) in the Chesapeake Bay since this waterway is used by approximately 6,000 oceangoing vessels a year as well as many thousands of smaller vessels.

6. The presently assigned radiotelephone coast station frequency in the Baltimore area is 2558 kc/s. It is assigned on a shared basis with public coast stations located at Wilmington, Del., and Ocean Gate, N.J. The petitioner states that as a result of these limitations, phone service in the Chesapeake Bay area does not meet current demands.

7. Petitioner indicates that maritime operators using the Chesapeake Bay have expressed a desire for additional service as proposed in the petition and that there is a definite need for an additional 2 Mc/s telephone public correspondence frequency for primary use in the Port of Baltimore. The port handles over 40 million tons of cargo yearly. The petitioner believes that the proposed use of the frequency 2400 kc/s would provide an additional facility to reduce the present delays encountered with the existing station at Baltimore operated by the Bell System through the Wil-

mington operator. Copies of 44 letters from interested parties supporting the petition have been submitted.

8. It is believed that the proposed rule amendment would provide for more effective utilization of maritime frequencies in the public interest in that it would make an additional ship-shore radiotelephone frequency available for direct service to an area which apparently is not now adequately served under the present frequency assignment plan.

9. This proposal is issued under the authority contained in section 303 (c), (d), (f), and (r) of the Communications Act of 1934, as amended.

10. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before November 19, 1965, and reply comments will be considered on or before November 29, 1965. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. All submissions by parties to this proceeding or by persons acting on behalf of the parties must be made in the form of written comments, reply comments or other appropriate pleadings.

11. In accordance with § 1.419(b) of the Commission's rules, an original and fourteen copies of all statements, briefs, or comments filed shall be furnished the Commission.

Adopted: October 6, 1965.

Released: October 8, 1965.

FEDERAL COMMUNICATIONS  
COMMISSION,<sup>1</sup>

[SEAL] BEN F. WAPLE,  
Secretary.

I. Part 81 is amended as follows:

§ 81.304 [Amended]

1. In § 81.304(a), 2400 is added in subparagraph (1) in numerical order.

2. The table in § 81.306(c) is amended by the addition of the following entry:

§ 81.306 Frequencies available below 27.5 Mc/s.

\* \* \* \* \*

<sup>1</sup> Commissioner Hyde absent; concurring statement of Commissioner Cox filed as part of original document.

(c) \* \* \*

Coast stations located in the vicinity of—	Carrier frequency (kc/s)	Specific limitations imposed upon availability for use
Baltimore, Md. ....	2400	Available on condition that harmful interference is not caused to the service of any coast station located in the vicinity of Boston, Mass. ....
...	...	...

II. Part 83 is amended as follows:

1. In § 83.134, the introductory text of paragraph (d) is to read as follows:

§ 83.134 Transmitter power.

(d) Other than for the frequencies specified in § 83.351(a)(4) and as may be specified in the specific limitations in § 83.354(a)(2), transmitter power for telephony on frequencies below 27.5 Mc/s shall not exceed the following values in watts:

§ 83.351 [Amended]

2. In § 83.351(a), 2400 is added in subparagraph (1) in numerical order.

3. The table in § 83.354(a)(2) is amended by the addition of the following entry:

§ 83.354 Frequencies below 5000 kc/s for public correspondence.

(a) \* \* \*  
(2) \* \* \*

For communication with coast stations located in the vicinity of—	Carrier frequency (kc/s)	Specific limitations imposed upon availability for use
Baltimore, Md. ....	2400	Available on condition that harmful interference is not caused to the service of any coast station in the vicinity of Boston, Mass. Transmitter power at night shall not exceed 150 watts. ....
...	...	...

[F.R. Doc. 65-10974; Filed, Oct. 13, 1965; 8:50 a.m.]

# Notices

## INTERSTATE COMMERCE COMMISSION

[Notice No. 827]

### MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FOR- WARDER APPLICATIONS

OCTOBER 8, 1965.

The following applications are governed by Special Rule 1.247<sup>1</sup> of the Commission's general rules of practice (49 CFR 1.247), published in the *FEDERAL REGISTER*, issue of December 3, 1963, effective January 1, 1964. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the *FEDERAL REGISTER*. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with § 1.40 of the general rules of practice which requires that it set forth specifically the grounds upon which it is made and specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and six (6) copies of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such request shall meet the requirements of § 1.247(d)(4) of the special rule. Subsequent assignment of these proceedings for oral hearing, if any, will be by Commission order which will be served on each party of record.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

No. MC 409 (Sub-No. 24), filed September 27, 1965. Applicant: O. E. POULSON, INC., Box 295, Elm Creek, Nebr. Applicant's representative: J. Max Harding, Post Office Box 2028, Lincoln, Nebr., 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transport-

ing: *Acids, chemicals, fertilizer, fertilizer ingredients, and damaged and rejected shipments* of the above-named commodities, between points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, Oklahoma, South Dakota, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 409 (Sub-No. 25), filed September 23, 1965. Applicant: O. E. POULSON, INC., Post Office Box 295, Elm Creek, Nebr. Applicant's representative: J. Max Harding, Box 2028, Lincoln, Nebr., 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid feed*, in bulk, in tank vehicles, (1) from Morrill, Nebr., to points in Colorado, Wyoming, South Dakota, Utah, Kansas, Montana, Idaho, Arizona, Oklahoma, New Mexico, Texas, and California; (2) from Denver, Colo., to points in Arizona, California, Kansas, Nebraska, New Mexico, Texas, Utah and Wyoming; and (3) from Omaha, Nebr., to points in Iowa, Kansas, Minnesota, Missouri, and South Dakota, and *damaged and rejected shipments* of the same commodity, on return, in (1), (2), and (3) above. NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 504 (Sub-No. 83), filed September 20, 1965. Applicant: HARPER MOTOR LINES, INC., 213 Long Avenue, Elberton, Ga. Applicant's representative: Monty Schumacher, 1375 Peachtree Street NE., Suite 693, Atlanta, Ga., 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between Macon, Ga., and Savannah, Ga.; from Macon over U.S. Highway 80 to junction Georgia Highway 57, thence over Georgia Highway 57 to Swainsboro, Ga., thence over U.S. Highway 80 to Savannah and return over the same route, serving no intermediate points as an alternate route for operating convenience only, in connection with applicant's authorized regular-route operations. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 1775 (Sub-No. 8), filed September 22, 1965. Applicant: AKRON PARCEL DELIVERY, INC., 175 Annadale Avenue, Akron, Ohio. Applicant's representative: G. H. Dilla, 5275 Ridge Road, Cleveland 29, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses and

equipment, materials, and supplies used in the conduct of such business, from Akron, Ohio, to points in Lorain County, Ohio, and returned shipments and empty containers on return. NOTE: Applicant states the proposed operation will be performed for the Great Atlantic & Pacific Tea Co., Inc. If a hearing is deemed necessary, applicant requests it be held at Cleveland, Ohio.

No. MC 2392 (Sub-No. 43), filed September 20, 1965. Applicant: WHEELER TRANSPORT SERVICE, INC., Post Office Box 432, Genoa, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients*, in bulk, from Tuloma Gas Products Co. plant, at or near Burlington, Iowa, to points in Illinois, Indiana, Michigan, Minnesota, Missouri, Nebraska, South Dakota, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 3018 (Sub-No. 14), filed September 27, 1965. Applicant: McKEOWN TRANSPORTATION COMPANY, a corporation, 10448 South Western Avenue, Chicago, Ill., 60643. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Hydrogen gas*, in cylinders and tube trailers, for the account of Union Carbide Corp., from Whiting, Ind., to Coldwater, Mich. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 3874 (Sub-No. 8), filed September 27, 1965. Applicant: L. C. CORP., doing business as GREY LINES, 1137 Statler Office Building, Boston, Mass. Applicant's representative: Charles W. Singer, Tower Suite 3600, 33 North La Salle Street, Chicago, Ill., 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Newspapers, newspaper inserts and supplements, and magazines (including television guides)*, from the site of railroad stations in New York, N.Y., and from Long Island City, N.Y., and Jersey City, and South Kearney, N.J. to Norwich and Putnam, Conn. and Woonsocket and Westerly, R.I. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 4405 (Sub-No. 433), filed September 22, 1965. Applicant: DEALERS TRANSIT, INC., 13101 South Torrence Avenue, Chicago 33, Ill. Applicant's representative: James W. Wrape, Sterick Building, Memphis, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel shoring* (except steel shoring requiring special equipment because of its size or weight), (1) between points in Alabama, Connecticut, Delaware, Florida, Georgia, Kentucky, Louisi-

<sup>1</sup> Copies of Special Rule 1.247 can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C., 20423.



ana, Maryland, Massachusetts, Mississippi, New York, New Jersey, North Carolina, South Carolina, Tennessee, Virginia, and the District of Columbia; (2) from points in Ohio and Indiana to points in Florida, Georgia, Kentucky, Mississippi, Louisiana, North Carolina, South Carolina, Tennessee, and Virginia; and (3) from points in Iowa to points in Indiana, Ohio and Kentucky. Note: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Milwaukee, Wis.

No. MC 4941 (Sub-No. 20), filed September 27, 1965. Applicant: QUINN FREIGHT LINES, INC., 1093 North Montello Street, Brockton, Mass. Applicant's representative: Mary E. Kelley, 10 Tremont Street, Boston 8, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and commodities requiring special equipment), between the port of entry on the international boundary line between the United States and Canada located at or near Rouses Point, N.Y., and New York, N.Y., over Interstate Highway 87, serving the intermediate point of Albany, N.Y. Note: If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 4941 (Sub-No. 21), filed September 27, 1965. Applicant: QUINN FREIGHT LINES, INC., 1093 North Montello Street, Brockton, Mass. Applicant's representative: Mary E. Kelley, 10 Tremont Street, Boston 8, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated buildings*, knocked down, from Sudbury, Mass., to points in Maine, New Hampshire, Vermont, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, Ohio, Tennessee, and the District of Columbia and *returned and rejected shipments*, on return. Note: If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 10761 (Sub-No. 182), filed September 27, 1965. Applicant: TRANS-AMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit 9, Mich. Applicant's representative: Howell Ellis, Suite 616-618 Fidelity Building, 111 Monument Circle, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C, of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and '66 from the plantsite of Snyder Packing Co., located in Adams County, Nebr., to points in Connecticut, Delaware, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Missouri, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia; restricted against (1) tacking at

origin and (2) the transportation of commodities in bulk in tank vehicles; and *refused and rejected shipments* on return. Note: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 10761 (Sub-No. 183), filed September 27, 1965. Applicant: TRANS-AMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit 9, Mich. Applicant's representative: Howell Ellis, Suite 616-618 Fidelity Building, 111 Monument Circle, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C, of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and '66 from the plantsite of Armour and Co. at or near Mankato, Minn. to points in Connecticut, Delaware, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Missouri, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia; restricted against (1) tacking at origin and (2) the transportation of commodities in bulk in tank vehicles; and *refused and rejected shipments*, on return. Note: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 15371 (Sub-No. 3), filed September 23, 1965. Applicant: CITY TRANSFER, INC., 458 Washington Street, St. Mary's, Elk County, Pa. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pencil pitch*, from Follansbee, W. Va., to Punxsutawney and St. Mary's, Pa. Note: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 25869 (Sub-No. 45), filed September 23, 1965. Applicant: NOLTE BROS. TRUCK LINE, INC., 2509 O Street, Post Office Box 184, South Omaha, Nebr. Applicant's representative: Duane W. Acklie, Box 2028, Lincoln, Nebr., 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and '66, and *damaged and rejected shipments*, serving points in Pottawattamie County, Iowa, as intermediate and off-route points in connection with applicant's authorized regular-route operations from Omaha, Nebr., to Chicago, Ill. Note: If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr.

No. MC 29886 (Sub-No. 214), filed September 20, 1965. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, Ind. Applicant's representative: Charles M.

Pieroni (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Containers* for use with loading devices in shipper furnished trailers, from Durant, Okla., to points in the United States, including Alaska (but excluding Hawaii). Note: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 29886 (Sub-No. 215), filed September 20, 1965. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, Ind. Applicant's representative: Charles M. Pieroni (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Containers for use with loading devices in shipper furnished trailers*, from Atlanta, Ga., to points in the United States, including Alaska, but excluding Hawaii. Note: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 36473 (Sub-No. 73), filed September 15, 1965. Applicant: CENTRAL TRUCK LINES, INC., Room 600, International Building, 3825 Henderson Boulevard, Post Office Box 18464, Peninsula Station, Tampa, Fla., 33609. Applicant's representative: Roland Rice, Suite 618, Perpetual Building, 1111 E Street NW., Washington, D.C., 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between New Orleans, La., and Houston, Tex.; from New Orleans over U.S. Highway 90 to Houston, Tex., and return over the same route, serving all intermediate points; and (2) between New Orleans, La., and Houston, Tex.; from New Orleans over U.S. Highway 61 to Baton Rouge, La., thence over U.S. Highway 190 to Ragley, La., thence over Louisiana Highway 12 to the Louisiana-Texas State line, thence over Texas Highway 12 to Beaumont, Tex., thence over Interstate Highway 10 to Houston, and return over the same route, serving all intermediate points. Note: Applicant states it proposes to tack authority sought with its existing authority in Docket No. MC 36473 Sub 57, in the States of Louisiana, Alabama, and Florida. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 40858 (Sub-No. 58), filed September 24, 1965. Applicant: MASON AND DIXON LINES, INC., Eastman Road, Kingsport, Tenn. Applicant's representative: Clifford E. Sanders, 321 East Center Street, Kingsport, Tenn., 37662. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities

requiring special equipment, and those injurious or contaminating to other lading), between the junction of U.S. Highways 41 and 72, near South Pittsburg, Tenn., and Huntsville, Ala., over U.S. Highway 72, serving the intermediate point of Scottsboro, Ala. NOTE: If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 41309 (Sub-No. 29), filed September 20, 1965. Applicant: JEFFRIES-EAVES, INC., 333 Osuna Road NW., Albuquerque, N. Mex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Flagstaff, Ariz., on the one hand, and, on the other, points in Arizona within the Navajo and Hopi Indian Reservations (except Page). NOTE: If a hearing is deemed necessary, applicant requests it be held at Phoenix, Ariz.

No. MC 41309 (Sub-No. 30), filed September 20, 1965. Applicant: JEFFRIES-EAVES, INC., 333 Osuna Road NW., Albuquerque, N. Mex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as require special handling or rigging because of size or weight, *pipe and iron and steel articles* (except commodities described in *Mercer and Mercer, Extension-Oil Field Commodities*, 46 M.C.C. 845), between points in New Mexico, on the one hand, and, on the other, points in Utah. NOTE: If a hearing is deemed necessary, applicant requests it be held at Albuquerque, N. Mex.

No. MC 43269 (Sub-No. 54), filed September 27, 1965. Applicant: WELLS CARGO, INC., 1775 East 4th Street, Post Office Box 1511, Reno, Nev. Applicant's representative: Edward Berol, 100 Bush Street, San Francisco, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asbestos-cement, pipe, conduit and couplings, and accessories*, necessary for the installation thereof, from the plantsite of Certain-Teed Products Corp., approximately 2 miles northwest of Riverside, Calif., to points in Nevada and Utah, and *refused or damaged shipments*, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 52709 (Sub-No. 271), filed September 20, 1965. Applicant: RINGSBY TRUCK LINES, INC., 3201 Ringsby Court, Denver, Colo., 80216. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and commodities requiring special equipment), between St. Joseph, Mo., and Chicago, Ill.; from St. Joseph over U.S. Highway 36 to junction Interstate

Highway 55 at or near Springfield, Ill., thence over Interstate Highway 55 to Chicago and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular-route operations, with service at Chicago, Ill., restricted to traffic destined for or originating at authorized points west of Beatrice, Nebr., and with service at St. Joseph, Mo., for the purpose of joinder only. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 55811 (Sub-No. 84), filed September 20, 1965. Applicant: CRAIG TRUCKING, INC., Albany, Ind. Applicant's representative: Howell Ellis, Suite 616-618, Fidelity Building, 111 Monument Circle, Indianapolis, Ind., 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from Detroit, Mich., to points in Illinois, Indiana, and Ohio. NOTE: If a hearing is deemed necessary, applicant does not specify particular location.

No. MC 59666 (Sub-No. 1), filed September 27, 1965. Applicant: PHILIP A. WHEELER, doing business as PROVIDENCE-SPRINGFIELD DESPATCH, 540 Huntington Avenue, Providence, R.I., 02907. Applicant's representative: Russell B. Curnett, 36 Circuit Drive, Edgewood Station, Providence, R.I., 02905. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, and except Classes A and B explosives, livestock, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities requiring special equipment, and those injurious or contaminating to other lading), between Providence, R.I., on the one hand, and, on the other, points in Bristol, Kent, Newport, and Washington Counties, R.I. NOTE: If a hearing is deemed necessary, applicant requests it be held at Providence, R.I.

No. MC 59694 (Sub-No. 1), filed September 27, 1965. Applicant: MISSOURI VALLEY EXPRESS, INC., Box 78, South Omaha Station, Omaha, Nebr. Applicant's representative: Donald E. Leonard, Box 2028, Lincoln, Nebr. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk in tank vehicles) from Glenwood, Iowa, to Chicago, Ill. NOTE: Applicant states the service proposed above, to be under continuing contract with Glenwood Packing Co., Glenwood, Iowa. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 75330 (Sub-No. 13), filed September 24, 1965. Applicant: MORRIS DRAYING COMPANY, a corporation,

190 98th Avenue, Oakland, Calif. Applicant's representative: Daniel W. Baker, 625 Market Street, San Francisco, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated relocatable structures*, from Newark, Calif., to points in Arizona, Nevada, Oregon, and Washington. NOTE: If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 78228 (Sub-No. 8), filed September 28, 1965. Applicant: THE J. MILLER COMPANY, a corporation, 147 Nichol Avenue, McKees Rocks, Pa. Applicant's representative: Henry M. Wick, Jr., 1515 Park Building, Pittsburgh, Pa., 15222. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles* as described in appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, 276-279, between Cleveland, Lorain, McDonald, and Youngstown, Ohio, on the one hand, and, on the other, points in Illinois, Indiana, the Lower Peninsula of Michigan, and St. Louis, Mo. NOTE: If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

No. MC 78228 (Sub-No. 9), filed September 28, 1965. Applicant: THE J. MILLER COMPANY, a corporation, 147 Nichol Avenue, McKees Rocks, Pa. Applicant's representative: Henry M. Wick, Jr., 1515 Park Building, Pittsburgh, Pa., 15222. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles* as described in appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, 276-279, between points in Ohio, those in that part of New York west of a line beginning at Lake Ontario and extending along U.S. Highway 15 to Lakeville, N.Y., thence along Alternate U.S. Highway 20 to Genesee, N.Y., thence along New York Highway 63 to junction New York Highway 408, thence along New York Highway 408 to junction New York Highway 16, thence along New York Highway 16 to Orleans, N.Y., and thence along New York Highway 16A to the New York-Pennsylvania State line, including points on the indicated portions of the highways specified, those in Pennsylvania on and west of U.S. Highway 219, and those in West Virginia on and north of U.S. Highway 50 from the Maryland-West Virginia State line to the West Virginia-Ohio State line, on the one hand, and, on the other, points in Kentucky and Tennessee. NOTE: If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

No. MC 82841 (Sub-No. 15), filed September 15, 1965. Applicant: R. D. TRANSFER, INC., 801 Livestock Exchange Building, Omaha, Nebr. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr., 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Agricultural implements, farm machinery and cattle oilers* (except those

commodities requiring the use of special equipment or special handling), from Pender, Nebr., to points in Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Montana, North Dakota, Ohio, South Dakota, and Wisconsin and the ports of entry on the international boundary line between the United States and Canada located in Minnesota, North Dakota, and Montana; and (2) *materials, equipment and supplies*, used in the manufacture and distribution of the commodities named in (1) above, from the above described destination points, to Pender, Nebr. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., Des Moines, Iowa, or Chicago, Ill.

No. MC 93003 (Sub-No. 43), filed September 27, 1965. Applicant: CARROLL TRUCKING COMPANY, a corporation, 4901 U.S. Route 60 East, Huntington, W. Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles* as described in appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from the plantsite of Kentucky Electric Steel Co., near Coalton, Boyd County, Ky., to points in Alabama, Illinois, Indiana, Ohio, South Carolina, and West Virginia, and *rejected and refused shipments*, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 94350 (Sub-No. 149), filed September 27, 1965. Applicant: TRANSIT HOMES, INC., 210 West McBee Avenue, Post Office Box 1628, Greenville, S.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, in initial movements, from points in Baldwin County, Ga., to points in Louisiana and those in the States east of the Mississippi River; namely, Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, and *damaged or rejected shipments*, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 95540 (Sub-No. 652), filed September 27, 1965. Applicant: WATKINS MOTOR LINES, INC., Albany Highway, Post Office Box 828, Thomasville, Ga. Applicant's representative: Jack M. Holloway, Director of Operating Rights, Watkins Motor Lines, Inc., Albany Highway, Thomasville, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas, coconuts, and pineapples*, from Freeport, Tex., to points in Arkansas, Colorado, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas, and

Wisconsin. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 95540 (Sub-No. 653), filed September 27, 1965. Applicant: WATKINS MOTOR LINES, INC., Post Office Box 828, Albany Highway, Thomasville, Ga. Applicant's representative: Jack M. Holloway, Director of Operating Rights, Watkins Motor Lines, Inc., Albany Highway, Thomasville, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food and foodstuffs* (except frozen foods), from Memphis, Tenn., to points in Arizona, California, Colorado, Nevada, Oregon, Utah, and Washington. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 95540 (Sub-No. 654), filed September 27, 1965. Applicant: WATKINS MOTOR LINES, INC., Post Office Box 828, Albany Highway, Thomasville, Ga. Applicant's representative: Jack M. Holloway, Director of Operating Rights, Watkins Motor Lines, Inc., Albany Highway, Thomasville, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, as defined by the Commission, (1) from Quincy, Fla., to points in Alabama, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Florida, and (2) from Montgomery, Ala., to points in Florida. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 97726 (Sub-No. 4), filed September 27, 1965. Applicant: AAA MOTOR LINES, INC., Post Office Box 1328, Dothan, Ala. Applicant's representative: William Addams, 1776 Peachtree Street NW., Atlanta, Ga., 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, commodities in bulk, and commodities requiring special equipment), (1) between Birmingham, Ala. and Charlotte, N.C., from Birmingham, Ala. over U.S. Highway 78 to Atlanta, Ga., thence over U.S. Highway 29 to Charlotte, N.C., and return over the same route, serving the intermediate point of Greenville, S.C., limited to traffic between Greenville and points in Alabama now authorized in MC 97726 Sub 1; (2) between Montgomery, Ala. and Charlotte, N.C., from Montgomery, Ala. over U.S. Highway 80 to junction U.S. Highway 29, thence over U.S. Highway 29 to Charlotte, N.C., and return over the same route, serving the intermediate point of Greenville, S.C., limited to traffic between Greenville and points in Alabama now authorized in MC 97726 Sub 1; and (3) between Eufaula, Ala. and Charlotte, N.C., from Eufaula, Ala. over U.S. Highway 431 to Columbus, Ga., thence over Alternate U.S. Highway 27 to junction Georgia Highway 85, thence over Georgia Highway 85 to Atlanta, Ga.,

thence over U.S. Highway 29 (also over Interstate Highway 85) to Charlotte, N.C., and return over the same route, serving the intermediate point of Greenville, S.C., limited to traffic between Greenville and points in Alabama now authorized in MC 97726 Sub 1. NOTE: If a hearing is deemed necessary, applicant requests it be held at Birmingham and Montgomery, Ala. and Charlotte, N.C.

No. MC 103051 (Sub-No. 200), filed September 27, 1965. Applicant: FLEET TRANSPORT COMPANY, INC., 340 Armour Drive NE., Atlanta, Ga., 30324. Applicant's representative: R. J. Reynolds, Jr., Suite 403-11 Healey Building, Atlanta, Ga., 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coke*, in bulk, and *rejected shipments* of the commodity specified, between Decatur, Ala., and points within the commercial zone thereof, on the one hand, and, on the other, Siglo, Tenn. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 104654 (Sub-No. 141), filed September 22, 1965. Applicant: COMMERCIAL TRANSPORT, INC., Post Office Box 469, Belleville, Ill. Applicant's representative: James E. Wilson, 1735 K Street NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Seymour, Ind., and points within ten (10) miles thereof, to points in Illinois, Ohio, and Kentucky. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 105407 (Sub-No. 12), filed September 24, 1965. Applicant: HANNIBAL-QUINCY TRUCK LINES, INC., 2816 Market Street, Hannibal, Mo. Applicant's representative: Mack Stephenson, 42 Fox Mill Lane, Springfield, Ill., 62707. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Pittsfield, Ill., and Jacksonville, Ill.; over U.S. Highway 36, serving no intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Springfield, Ill.

No. MC 105813 (Sub-No. 133), filed September 22, 1965. Applicant: BELFORD TRUCKING CO., INC., 1299 Northwest 23d Street, Miami, Fla., 33148. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles* distributed by meat packinghouses, as described in sections A and C, appendix I, in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Worthington and Mankato, Minn., to points in Alabama, Flor-



Ida, Georgia, North Carolina, and South Carolina. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 106194 (Sub-No. 14), filed September 20, 1965. Applicant: HORN TRANSPORTATION, INC., 1119 West 24th Street, Kansas City, Mo. Applicant's representative: Frank W. Taylor, Jr., 1221 Baltimore Avenue, Suite 812, Kansas City, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles*, from points in Pueblo County, Colo., Wyandotte, Reno, and Johnson Counties, Kans., and Jackson and Clay Counties, Mo., to points in North Dakota and South Dakota, and *refused, rejected, and returned shipments*, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 106400 (Sub-No. 59), filed September 27, 1965. Applicant: KAW TRANSPORT COMPANY, a corporation, 701 North Sterling, Sugar Creek, Mo., 64054. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals* (except cryogenic liquids and products of vegetable oils and animal fats) in bulk, in tank vehicles, from points in Kansas City, Mo.-Kansas City, Kans., commercial zone to points in Kansas and Missouri (including points in the St. Louis, Mo., commercial zone), and Wood River, Ill. NOTE: Applicant states the proposed operations will be restricted against the movement of (1) dry chemicals to St. Louis, Mo., (2) paints, resins, varnishes and lacquers to Kansas and Illinois, and (3) benzol, toluol, and xylol from Missouri to Illinois. No duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 106674 (Sub-No. 34), filed September 27, 1965. Applicant: OSBORNE TRUCKING CO., INC., 709 South 13th Street, Vincennes, Ind. Applicant's representative: Thomas F. Kilroy, 1815 H Street NW., Washington, D.C., 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizers*, from Thorntown, Ind., to points in Illinois, and *damaged, rejected, and returned shipments* on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 106674 (Sub-No. 35), filed September 27, 1965. Applicant: OSBORNE TRUCKING CO., INC., 709 South 13th Street, Post Office Box 82, Vincennes, Ind. Applicant's representative: Thomas F. Kilroy, Federal Bar Building, 1815 H Street NW., Washington, D.C., 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Concrete storage and mixing plants*; (2) *grading or roadmaking machinery and equipment*; (3) *construction forms*; (4) *attachments and accessory equipment for the commodities listed in (1), (2), and (3) above*; and

(5) *parts for the commodities described in (1), (2), (3), and (4) above*, from Madison, Ind., to points in the United States (except Alaska and Hawaii), and, *damaged, rejected, and returned shipments, and exempt commodities*, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 106674 (Sub-No. 36), filed September 27, 1965. Applicant: OSBORNE TRUCKING CO., INC., 709 South 13th Street, Post Office Box 82, Vincennes, Ind. Applicant's representative: Thomas F. Kilroy, Federal Bar Building, 1815 H Street NW., Washington, D.C., 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food products*, from Cabool, Mo., to points in Alabama, Georgia, Florida, New York, Pennsylvania, New Jersey, Ohio, Maryland, Delaware, Virginia, West Virginia, North Carolina, South Carolina, Massachusetts, Vermont, Maine, New Hampshire, Rhode Island, Connecticut, and the District of Columbia, and *damaged, rejected and returned shipments*, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Jefferson City, Mo.

No. MC 106674 (Sub-No. 37), filed September 27, 1965. Applicant: OSBORNE TRUCKING CO., INC., 709 South 13th Street, Post Office Box 82, Vincennes, Ind. Applicant's representative: Thomas F. Kilroy, 1815 H Street NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *General hardware items*, including *lawnmowers and appliances*, from Danville, Ill., to Davenport and Bettendorf, Iowa, and *damaged and returned shipments*, on return; and (2) *sweeping compound*, from Davenport and Bettendorf, Iowa, to Danville, Ill. NOTE: If a hearing is deemed necessary, applicant requests it be held at Springfield, Ill.

No. MC 106674 (Sub-No. 38), filed September 27, 1965. Applicant: OSBORNE TRUCKING CO., INC., 709 South 13th Street, Post Office Box 82, Vincennes, Ind. Applicant's representative: Thomas F. Kilroy, 1815 H Street NW., Washington, D.C., 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles*, and *damaged, rejected and returned shipments*, between points in that part of Pennsylvania on and west of U.S. Highway 219 and those in Ohio, on the one hand, and, on the other, points in Illinois, Indiana, and the Lower Peninsula of Michigan. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 106674 (Sub-No. 39), filed September 27, 1965. Applicant: OSBORNE TRUCKING CO., INC., 709 South 13th Street, Post Office Box 82, Vincennes, Ind. Applicant's representative: Thomas F. Kilroy, 1815 H Street NW., Washington, D.C., 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Grain products and feed*, in bulk,

in tank vehicles, from Fort Wayne, Ind., to points in Illinois, Ohio, Wisconsin, and Michigan, and *damaged, rejected and returned shipments and exempt commodities*, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 106674 (Sub-No. 40), filed September 27, 1965. Applicant: OSBORNE TRUCKING CO., INC., 709 South 13th Street, Post Office Box 82, Vincennes, Ind. Applicant's representative: Thomas F. Kilroy, Federal Bar Building, 1815 H Street NW., Washington, D.C., 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Particle board*, from points in Bell County, Ky., to points in Wisconsin, Illinois, Michigan, Indiana, Ohio, Kentucky, Tennessee, Mississippi, Alabama, Florida, Georgia, North Carolina, South Carolina, Virginia, West Virginia, Delaware, Pennsylvania, Maryland, New Jersey, New York, Connecticut, Massachusetts, Rhode Island, Maine, New Hampshire, Vermont, and the District of Columbia; (2) *glue*, when tendered into a premounted sealed or collapsible container, from High Point, Charlotte, Fayetteville, and Greensboro, N.C., Lansdale, Pa., West Memphis, Ark., Alexandria, La., Demopolis, Ala., Bainbridge, N.Y., Houston, Tex., and Sheboygan, Wis., to points in Bell County, Ky., and (3) *lumber*, from points in Pennsylvania, New York, North Carolina, South Carolina, Indiana, Illinois, Ohio, West Virginia, Tennessee, Louisiana, Kentucky, and Vermont, to points in Bell County, Ky., and, *damaged, rejected, and returned shipments, and exempt commodities*, in (1), (2), and (3) above, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 106674 (Sub-No. 41), filed September 27, 1965. Applicant: OSBORNE TRUCKING CO., INC., 709 South 13th Street, Post Office Box 82, Vincennes, Ind. Applicant's representative: Thomas F. Kilroy, 1815 H Street NW., Washington, D.C., 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Glassware and glass containers* with or without their equipment of caps, covers, tops, or stoppers, *paper cartons*, and *accessories* for glass containers, from the plantsite of Anchor Hocking Glass Corp., located at Gurnee, Ill., to points in Wisconsin, Iowa, Minnesota, Missouri, Nebraska, the Upper Peninsula of Michigan, Colorado, Kansas, Montana, North Dakota, South Dakota, and Wyoming, and (2) *materials, supplies, and equipment* as are used in the manufacture of glassware, from points in Wisconsin, Iowa, Minnesota, Missouri, Nebraska, the Upper Peninsula of Michigan, Colorado, Kansas, Montana, North Dakota, South Dakota, and Wyoming, to the plantsite of Anchor Hocking Glass Corp., at Gurnee, Ill., and *damaged, rejected, and returned shipments, and exempt commodities*, on return in (1) and (2) above. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 106674 (Sub-No. 42), filed September 28, 1965. Applicant: OSBORNE TRUCKING CO., INC., 709 South 13th Street, Post Office Box 82, Vincennes, Ind. Applicant's representative: Thomas F. Kilroy, Federal Bar Building, 1815 H Street NW., Washington, D.C., 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles, and damaged, rejected, and returned shipments*, between Cincinnati, Ohio, on the one hand, and, on the other, points in Kentucky, Tennessee, and those in Indiana on and south of Indiana Highway 44 and on and east of Interstate Highway 65, and those points in Wayne, Cabell, Putnam, Lincoln, and Kanawha Counties, W. Va. Note: If a hearing is deemed necessary, applicant requests it be held at Cincinnati, Ohio.

No. MC 107107 (Sub-No. 343) (AMENDMENT), filed March 26, 1965, published FEDERAL REGISTER issue April 21, 1965, amended June 29, 1965, and republished July 15, 1965, further amended September 30, 1965, and republished as further amended this issue. Applicant: ALTERMAN TRANSPORT LINES, INC., Post Office Box 458, Allapattah Station, Miami, Fla., 33142. Applicant's representative: Paul M. Daniell, Suite 1600 First Federal Building, Atlanta, Ga., 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (A) between Charlotte, N.C., and Pensacola, Fla.: (1) from Charlotte over Interstate Highway 85 to Montgomery, Ala., thence over Interstate Highway 65 to junction Alabama Highway 21, thence over Alabama Highway 21 to the Alabama-Florida State line, thence over Florida Highway 97 to junction U.S. Highway 29, thence over U.S. Highway 29 to Pensacola, and return over the same route; (2) from Charlotte over Interstate Highway 85 to Atlanta, Ga., thence over U.S. Highway 29 to West Point, Ga., thence over Interstate Highway 85 to junction U.S. Highway 80, thence over U.S. Highway 80 to junction U.S. Highway 31, thence over U.S. Highway 31 to junction Alabama Highway 106 near Georgiana, Ala., thence over Alabama Highway 106 to junction Interstate Highway 65, thence over Interstate Highway 65 to junction Alabama Highway 83.

Thence over Alabama Highway 83 to junction U.S. Highway 31, thence over U.S. Highway 31 to junction Alabama Highway 41 at Brewton, Ala., thence over Alabama Highway 41 to the Alabama-Florida State line, thence over Florida Highway 87 to junction U.S. Highway 90, thence over U.S. Highway 90 to Pensacola, and return over the same route; (B) between Charlotte, N.C., and Tallahassee, Fla.: (1) from Charlotte over Interstate Highway 85 to Atlanta, Ga., thence over Interstate Highway 75 to junction U.S. Highway 319, thence

over U.S. Highway 319 to Tallahassee, and return over the same route, (2) from Charlotte over Interstate Highway 85 to Atlanta, Ga., thence over U.S. Highway 41 to junction Interstate Highway 75, thence over Interstate Highway 75 to junction U.S. Highway 319, thence over U.S. Highway 319 to Tallahassee, and return over the same route, and (3) from Charlotte over U.S. Highway 21 to junction U.S. Highway 1 at Columbia, S.C., thence over U.S. Highway 1 through Louisville, Ga., to junction U.S. Highway 319, thence over U.S. Highway 319 to Tallahassee, and return over the same route; (C) between Charlotte, N.C., and Jacksonville, Fla.: (1) from Charlotte over U.S. Highway 21 to Columbia, S.C., thence over Interstate Highway 26 to junction Interstate Highway 95, thence over Interstate Highway 95 to Jacksonville, and return over the same route; (2) from Charlotte over U.S. Highway 21 to Columbia, S.C., thence over U.S. Highway 321 to Savannah, Ga., thence over U.S. Highway 17 to Jacksonville, and return over the same route; (3) from Charlotte over U.S. Highway 21 to Columbia, S.C., thence over U.S. Highway 321 to junction U.S. Highway 301, thence over U.S. Highway 301 to junction U.S. Highway 1, thence over U.S. Highway 1 to Jacksonville, and return over the same route; (D) between Charlotte, N.C., and Orlando, Fla.:

(1) From Charlotte over the same routes as in (C) 1, 2, and 3 to Jacksonville, thence over U.S. Highway 17 to junction Interstate Highway 4 near Deland, Fla., thence over Interstate Highway 4 to Orlando, and return over the same route; (2) from Charlotte over the same routes as in (C) 1, 2, and 3 to Jacksonville, thence over Interstate Highway 95 to junction Interstate Highway 4 at or near Daytona Beach, Fla., thence over Interstate Highway 4 to Orlando, and return over the same route, (E) between Charlotte, N.C., and Tampa, Fla.: (1) from Charlotte over same routes in (C) 1, 2, and 3 to Jacksonville, thence over Interstate Highway 10 to junction U.S. Highway 301, thence over U.S. Highway 301 to junction Florida Highway 24 at Waldo, Fla., thence over Florida Highway 24 to junction Interstate Highway 75, thence over Interstate Highway 75 to Tampa, and return over the same route; (2) from Charlotte over the same routes as in (C) 1, 2, and 3 to Jacksonville, thence over Interstate Highway 10 to junction U.S. Highway 301, thence over U.S. Highway 301 to junction Interstate Highway 4, thence over Interstate Highway 4 to Tampa, and return over the same route; and (3) from Charlotte over same routes in (D) 1 and 2 to Orlando, Fla., thence over Interstate Highway 4 to Tampa, and return over the same route, (F) between Charlotte, N.C., and Miami, Fla.: (1) from Charlotte over same routes as (C) 1, 2, and 3 to Jacksonville, thence over Interstate Highway 95 to Miami, and return over the same route, (2) from Charlotte over same routes as (C) 1, 2, and 3 to Jacksonville, thence over Interstate Highway 95 to junction Sunshine State Parkway at or near Fort Pierce,

Fla., thence over Sunshine State Parkway to junction Interstate Highway 95, thence over Interstate Highway 95 to Miami, and return over the same route, (3) from Charlotte over same routes as (C) 1, 2, and 3 to Jacksonville, thence over U.S. Highway 1 to Miami, and return over the same route, and (4) from Charlotte over same routes as (C) 1, 2, and 3 to Jacksonville.

Thence over U.S. Highway 17 to junction Interstate Highway 4 near Deland, thence over Interstate Highway 4 to junction Sunshine State Parkway, thence over Sunshine State Parkway to junction Interstate Highway 95, thence over Interstate Highway 95 to Miami, and return over the same route; (G) between Pensacola, Fla., and Jacksonville, Fla.: (1) from Pensacola over U.S. Highway 90 to Jacksonville and return over the same route; (2) from Pensacola over Interstate Highway 10 to Jacksonville and return over the same route; (H) between Tallahassee, Fla., and Miami, Fla.: (1) from Tallahassee over U.S. Highway 27 to the junction of U.S. Highway 19, thence over U.S. Highway 19 to the junction of U.S. Highway 41, thence over U.S. Highway 41 to Miami and return over the same route; (I) between Tampa, Fla., and Yeehaw Junction, Fla.: (1) from Tampa over Florida Highway 60 to Yeehaw Junction and return over the same route; (J) between Ocala, Fla., and Key West, Fla.: (1) from Ocala over U.S. Highway 27 to junction U.S. Highway 1, thence over U.S. Highway 1 to Key West, and return over the same route. In connection with the above described regular routes (A) through (J) inclusive, no intermediate points in the States of North Carolina, South Carolina, Georgia, or Alabama will be served. All intermediate points on the routes in Florida will be served. All points in Mecklenburg County, N.C., all points in Florida not on the above described routes and Florida, Ala., will be served as off-route points in connection with the above described routes. Note: The purpose of this republication is to more clearly set forth the territorial description. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107353 (Sub-No. 18), filed July 12, 1965. Applicant: HELPHREY MOTOR FREIGHT, INC., East 3417 Springfield, Spokane, Wash. Applicant's representative: Joseph L. Thomas, 711 Old National Bank Building, Spokane, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except Classes A and B explosives, commodities in bulk, household goods as defined by the Commission, commodities requiring special equipment, and those of unusual value), (1) between Portland, Oreg., and Ritzville, Wash.; from Portland over U.S. Highway 30 to Messner, Oreg. (near Boardman), thence over U.S. Highway 730 to junction U.S. Highway 395, thence over U.S. Highway 395 to Ritzville and return over the same route, serving the intermediate point of The Dalles, Oreg.; (2) between Great Falls, Mont., and Dickinson, N. Dak.; from Great Falls over U.S. High-

way 87 to junction Montana Highway 20, thence over Montana Highway 20 to junction Montana Highway 20S, thence over Montana Highway 20S to Glendive, Mont., thence over Interstate Highway 94 to Dickinson (also from Glendive, Mont., over U.S. Highway 10 to Dickinson), and return over the same route, serving all intermediate points; (3) between junction U.S. Highways 395, 730, and 410 and Bonner, Mont.; from junction U.S. Highways 395, 730, and 410 over U.S. Highway 410 to Lewiston, Idaho, thence over Idaho Highway 9 through Orofino, Kooskia, and Lolo Pass, Idaho, to the Idaho-Montana State line.

Thence over U.S. Highway 12 to Lolo, Mont., thence over U.S. Highway 93 to junction U.S. Highway 10, thence over U.S. Highway 10 to junction Montana Highway 20, thence over Montana Highway 20 to Bonner and return over the same route, serving all intermediate points; (4) between Prosser, Wash., and Bonner, Mont.; from Prosser over U.S. Highway 410 through Pasco, Wash., to Lewiston, Idaho, thence to Bonner as described above and return over the same route, serving all intermediate points; (5) between junction U.S. Highway 395 and Washington Highway 260 (formerly Washington Highway 11B), and Kahlottus, Wash., over Washington Highway 260, serving all intermediate points; (6) between Dusty, Wash., and Bonner, Mont.; from Dusty over U.S. Highway 295 to Colfax, Wash., thence over U.S. Highway 195 through Pullman, Wash., to Lewiston, Idaho, thence to Bonner as described above and return over the same route, serving all intermediate points; and (7) between Fort Peck, Mont., and Dickinson, N. Dak.; from Fort Peck over Montana Highway 24 to junction Montana Highway 20, thence to Dickinson as described above and return over the same route, serving all intermediate points. Note: Applicant states that it intends to tack the above proposed authority with that authority previously granted in Certificates No. 107353 and MC 107353 (Sub-No. 11), wherein applicant is authorized to serve points in Montana, in order to perform a through service from the above specified origin points (i.e., Portland, Oreg., junction U.S. Highways 395, 730 and 410, Prosser, Wash., junction U.S. Highway 395 and Washington Highway 260, Dusty, Wash., and Fort Peck, Mont.), to Dickinson, N. Dak. If a hearing is deemed necessary, applicant requests it be held at Spokane, Wash.

No. MC 107496 (Sub-No. 404), filed September 27, 1965. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third, Des Moines, Iowa, 50309. Applicant's representative: H. L. Fabritz (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Calcium carbide residue*, in bulk, from Woodstock, Tenn., to points in Mississippi. Note: If a hearing is deemed necessary, applicant does not specify place of hearing.

No. MC 108053 (Sub-No. 69), filed September 22, 1965. Applicant: LITTLE AUDREY'S TRANSPORTATION CO., INC., Post Office Box 709, Fremont, Nebr. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packing-houses*, as described in sections A and C, appendix I, in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Worthington and Mankato, Minn., to points in Washington, Oregon, Idaho, Montana, Arizona, California, Utah, Nevada, Colorado, New Mexico, and Wyoming. Note: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 108248 (Sub-No. 10), filed September 23, 1965. Applicant: SHAW TRUCKING, INCORPORATED, Brockway, Pa. Applicant's representative: V. Baker Smith, 2107 Fidelity-Philadelphia Trust Building, Philadelphia, Pa., 19109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fiberboard or pulpboard boxes and containers*, from points in that part of Ohio on and bounded by a line beginning at the Ohio-West Virginia State line and extending along U.S. Highway 40 to Columbus, Ohio, thence along U.S. Highway 23 to Delaware, Ohio, thence along U.S. Highway 42 to Cleveland, Ohio, to Brockway, Pa., and *refused, rejected, and damaged shipments*, on return. Note: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 108248 (Sub-No. 11), filed September 23, 1965. Applicant: SHAW TRUCKING, INCORPORATED, Brockway, Pa. Applicant's representative: V. Baker Smith, 2107 Fidelity-Philadelphia Trust Building, Philadelphia, Pa., 19109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass bottles*, other than cut, and *plastic containers*, with or without caps or tops, from Brockway, Pa., to points in Ohio north of U.S. Highway 322, and *refused, rejected, and damaged shipments* on return. Note: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 108449 (Sub-No. 211), filed September 21, 1965. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn., 55113. Applicant's representative: Adolph J. Bieberstein, 121 West Doty Street, Madison, Wis., 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, from the plantsite of Universal Atlas cement division of United States Steel Corp., located at or near Fargo, N. Dak., to points in Marshall, Day, Roberts, and Grant Counties, S. Dak. Note: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 108696 (Sub-No. 6), filed September 27, 1965. Applicant: JACOB A.

TIGELAAR, ADA TIGELAAR, HENRY J. DE WEERD, and CORNELIA DE WEERD, a partnership, doing business as TIGELAAR & DE WEERD, 5367 School Street, Box 145, Hudsonville, Mich. Applicant's representative: Rodger T. Ederer, 117 West Allegan Street, Lansing, Mich., 48933. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pulverizing limestone*, from the plantsite of Ohio and Indiana Stone Co., near Greencastle, Ind., to points in Kent, Ottawa, and Allegan Counties, Mich. Note: If a hearing is deemed necessary, applicant requests it be held at Lansing, Mich.

No. MC 110420 (Sub-No. 485), filed September 21, 1965. Applicant: QUALITY CARRIERS, INC., 100 South Calumet Street, Post Office Box 339, Burlington, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal oils, blends and mixtures thereof*, in bulk, from Louisville, Ky., to points in Tennessee (except Memphis). Note: If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 110420 (Sub-No. 486), filed September 23, 1965. Applicant: QUALITY CARRIERS, INC., 100 South Calumet Street, Burlington, Wis. Applicant's representative: Fred H. Figge, Post Office Box 339, Burlington, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from the Cordova Industrial Park, located in Rock Island County, Ill., to points in Illinois, Iowa, Minnesota, Missouri, and Wisconsin. Note: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 110525 (Sub-No. 747), filed September 20, 1965. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's representatives: Leonard A. Jaskiewicz, 1155 15th Street NW., Washington, D.C., and Edwin H. van Deusen, 520 East Lancaster Avenue, Downingtown, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pallets*, in bulk, in tank vehicles, from Washington, W. Va., to Kansas City, Mo. Note: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 111299 (Sub-No. 5), filed September 23, 1965. Applicant: CY KIRVAN, doing business as KIRVAN TRUCK LINE, Box 829, International Falls, Minn. Applicant's representative: M. H. Greenberg, Eveleth, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beer and empty containers*, from Hibbing, Minn., to Grand Rapids, Minn. Note: Applicant states it has authority under MC 111299 to operate from Milwaukee, Wis., to Hibbing, Minn. The purpose of this application is to obtain the above proposed extension from Hibbing to Grand Rapids, Minn. If a hearing is deemed necessary, applicant requests it be held at Grand Rapids, Minn.

No. MC 111401 (Sub-No. 179), filed September 27, 1965. Applicant: GROEN-DYKE TRANSPORT, INC., 2510 Rock Island Boulevard, Post Office Box 632, Enid, Okla., 73701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from points in West Virginia, to the ports of entry on the international boundary line between the United States and Mexico located in Texas, restricted to through trailer movements to Mexico. NOTE: If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 111812 (Sub-No. 314), filed September 27, 1965. Applicant: MID-WEST COAST TRANSPORT, INC., Wilson Terminal Building, Post Office Box 747, Sioux Falls, S. Dak., 57101. Applicant's representatives: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr., 68102, William J. Walsh (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Walla Walla, Wash., Milton-Freewater and Weston, Oreg., and American Falls and Borah, Idaho, to points in Connecticut, Delaware, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia. NOTE: Applicant states no duplicating authority sought herein. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo., or Chicago, Ill.

No. MC 112617 (Sub-No. 205), filed September 27, 1965. Applicant: LIQUID TRANSPORTERS, INC., Post Office Box 5135, Cherokee Station, Louisville, Ky. Applicant's representative: Leonard A. Jaskiewicz, 600 Madison Building, 1155 15th Street NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Starch and blends, mixtures and products thereof*, from Louisville, Ky., to points in Arkansas, Illinois, Indiana, Kentucky, Missouri, Ohio, Tennessee, Virginia, and West Virginia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 112846 (Sub-No. 44), filed September 17, 1965. Applicant: PENN-LAND TANKERS, INC., Post Office Box 273, Oil City, Pa., 16301. Applicant's representative: Harold G. Hernly, 711 Fourteenth Street NW., Washington 5, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, as described in appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from points in McKean, Venango, and Butler Counties, Pa., to points in Florida and Georgia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

No. MC 113388 (Sub-No. 64), filed September 27, 1965. Applicant: LESTER C. NEWTON TRUCKING CO., a corpora-

tion, Bridgeville, Del. Applicant's representative: H. Charles Ephraim, 1411 K Street NW., Washington, D.C., 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Potato flakes*, in straight loads and in mixed loads with other commodities which the carrier holds authority to transport, from Presque Isle, Maine to points in Delaware, Florida, Georgia, Maryland, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, Virginia, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113908 (Sub-No. 177), filed September 22, 1965. Applicant: ERICKSON TRANSPORT CORPORATION, 706 West Tampa (Post Office Box 3180), Springfield, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinegar*, in bulk, in tank vehicles, from Hutchinson and Wichita, Kans., to points in Arkansas, Colorado, Nebraska, Illinois, Iowa, Missouri, Oklahoma, and Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Wichita, Kans.

No. MC 113908 (Sub-No. 178), filed September 27, 1965. Applicant: GROENSON TRANSPORT CORPORATION, 706 West Tampa, Post Office Box 3180, Springfield, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinegar*, in bulk, in tank vehicles, between Chicago, Ill., and points in California and Washington. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 114211 (Sub-No. 87), filed September 22, 1965. Applicant: WARREN TRANSPORT, INC., Post Office Box 420, Waterloo, Black Hawk County, Iowa. Applicant's representative: Charles W. Singer, 33 North La Salle Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities* which because of size or weight require the use of special equipment or handling; (2) *commodities* other than size or weight when moving with or in conjunction with commodities which because of size or weight require special equipment or handling; and (3) *rejected shipments*, between points in Illinois and Iowa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 114211 (Sub-No. 88), filed September 22, 1965. Applicant: WARREN TRANSPORT, INC., Post Office Box 520, Waterloo, Black Hawk County, Iowa. Applicant's representative: Charles W. Singer, 33 North La Salle Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trusses*, and (2) *parts and accessories* moving in conjunction with the above, from Dubuque, Iowa, to points in the United States (except Alaska and Hawaii), and *rejected shipments*, on return. NOTE: If a hearing is deemed

necessary, applicant requests it be held at Chicago, Ill.

No. MC 115826 (Sub-No. 98), filed September 23, 1965. Applicant: W. J. DIGBY, INC., 1960 31st Street, Post Office Box 5088, Terminal Annex, Denver, Colo., 80217. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts, dairy products, and articles* distributed by meat packinghouses, as described in sections A, B, and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Ft. Worth, Tex., and Clovis, N. Mex., to points in Montana, North Dakota, South Dakota, and Wyoming. NOTE: If a hearing is deemed necessary, applicant does not specify a place of hearing.

No. MC 115826 (Sub-No. 99), filed September 23, 1965. Applicant: W. J. DIGBY, INC., Post Office Box 5088, Terminal Annex, Denver, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and bottled foodstuffs*, from Cade and Lozes, La., to points in Arizona, California, Idaho, New Mexico, Nevada, Oregon, Texas, Utah, and Washington. NOTE: If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 115826 (Sub-No. 100), filed September 27, 1965. Applicant: W. J. DIGBY, INC., Post Office Box 5088, Terminal Annex, Denver, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods and frozen fruit juice concentrates*, from points in California, Oregon, and Washington, to Burley, Caldwell, Heyburn, American Falls, Boise, Nampa, and Pocatello, Idaho, and Ontario, Oreg., restricted to traffic moving for storage in-transit and subsequent outbound movement to points in Wyoming, Kansas, Michigan, and Indiana. NOTE: If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 115826 (Sub-No. 101), filed September 27, 1965. Applicant: W. J. DIGBY, INC., 1960 31st Street, Post Office Box 5088, Terminal Annex, Denver, Colo., 80217. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Compton, Calif., to points in Idaho, Montana, and Wyoming. NOTE: If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 115826 (Sub-No. 102), filed September 27, 1965. Applicant: W. J. DIGBY, INC., Post Office Box 5088, Terminal Annex, Denver, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen foods and frozen fruit juice concentrates*, from Burley, Caldwell, Heyburn, American Falls, Boise, Nampa, and Pocatello, Idaho, and Ontario, Oreg., to points in Kansas and Wyoming, restricted to traffic moving from storage-in-transit, and



(2) *potato products and frozen foods*, from Ontario, Oreg., and points in Idaho, to points in Kansas and Wyoming, restricted to traffic moving in the same vehicle and at the same time with traffic named in (1) above. NOTE: If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 115826 (Sub-No. 103), filed September 27, 1965. Applicant: W. J. DIGBY, INC., 1960 31st Street, Post Office Box 5088, Terminal Annex, Denver, Colo., 80217. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy, confectionery, and confectionery products*, from the plantsite of Topps Chewing Gum Co. at or near Duryea, Pa., to points in Illinois, Colorado, Indiana, Iowa, Kansas, Michigan, Kentucky, Minnesota, Missouri, Ohio, Oklahoma, Texas, and Wisconsin, and *refused and rejected shipments*, on return. NOTE: If a hearing is deemed necessary, applicant does not specify place of hearing.

No. MC 115826 (Sub-No. 104), filed September 24, 1965. Applicant: W. J. DIGBY, INC., Post Office Box 5088, Terminal Annex, Denver, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Confectionery, candy, cocoa, coatings, compounds, and cough drops*, from Elizabethtown, Lititz, and Reading, Pa., to points in Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, New Mexico, North Dakota, Ohio, South Dakota, Tennessee, and Wisconsin. NOTE: If a hearing is deemed necessary applicant does not specify place of hearing.

No. MC 115841 (Sub-No. 251) (CLARIFICATION), filed September 13, 1965, published in FEDERAL REGISTER issue of October 7, 1965, and republished as clarified this issue. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, Post Office Box 2169, Birmingham, Ala. NOTE: The purpose of this republication is to add the following note: Applicant states it presently holds authority on meats, meat products, and meat byproducts on a substantial portion of the territory involved, and no duplicating authority is sought.

No. MC 116777 (Sub-No. 7), filed September 21, 1965. Applicant: J. AND L. LINES, INC., Post Office Box 677, Winchester, Va. Applicant's representative: Eston H. Alt, Post Office Box 81, Winchester, Va., 22601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers*, from Fruitland, Md., to points in that part of Maryland, Delaware, and Virginia east of the Chesapeake Bay and on and south of U.S. Highway 40. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 116879 (Sub-No. 2) (Amendment), filed August 2, 1965, published in FEDERAL REGISTER issue of August 19, 1965, amended October 4, 1965, and republished as amended this issue. Applicant: RICHARD T. BESTWICK, 312

South 13th Street, Sabetha, Kans. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans., 66603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Condensed milk*, between Sabetha, Kans., and points in Missouri. NOTE: The purpose of this republication is to more clearly set forth the commodity and territorial descriptions. If a hearing is deemed necessary, applicant requests it be held at Topeka, Kans.

No. MC 117344 (Sub-No. 156), filed September 20, 1965. Applicant: THE MAXWELL CO., 10380 Evendale Drive, Cincinnati 15, Ohio. Applicant's representative: James R. Stiverson, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt and asphalt products and coal tar and coal tar products*, in bulk, in tank vehicles, from points in Hamilton County, Ohio, to points in Illinois. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 117574 (Sub-No. 128), filed September 21, 1965. Applicant: DAILY EXPRESS, INC., Post Office Box 39, Mail Route No. 3, Carlisle, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Heat exchangers or equalizers for air, gas, or liquids*, (2) *machinery, and equipment for heating, cooling, conditioning, humidifying, dehumidifying, and moving of air, gas, or liquid; and* (3) *parts, attachments and accessories for use in the installation and operation of items named in (1) and (2) above*, from points in Jessamine, Clark, Fayette, and Woodford Counties, Ky., to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Delaware, Maryland, Pennsylvania, Virginia, West Virginia, Ohio, Indiana, Illinois, Michigan, and District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 117574 (Sub-No. 129), filed September 22, 1965. Applicant: DAILY EXPRESS, INC., Post Office Box 39, Mail Route No. 3, Carlisle, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such commodities*, as by reason of their size or weight, require the use of special equipment, between Harrisburg, Pa., on the one hand, and, on the other, points in New York, New Jersey, Maryland, Virginia, Ohio, Delaware, West Virginia, and the District of Columbia; (2) *such commodities*, as by reason of their size or weight, require the use of special equipment (except machinery, equipment, materials, and supplies used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines), between Harrisburg, Pa., on the one hand, and, on the other, points in Indiana, Illinois, Kentucky, North Carolina, South Carolina, Maine, New Hampshire, Vermont, Georgia, Florida, Mich-

igan, Minnesota, and Wisconsin; and (3) *such commodities*, as by reason of their size or weight, require the use of special equipment (except machinery, equipment, materials, and supplies used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, and except boilers, heaters, and castings), between Harrisburg, Pa., on the one hand, and, on the other, points in Connecticut and Massachusetts. Restriction: (1) This application is limited against tacking with any presently held rights; (2) limited to traffic moving in interchange service; and (3) limited against traffic originated by this carrier at Harrisburg, Pa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa.

No. MC 117574 (Sub-No. 130), filed September 27, 1965. Applicant: DAILY EXPRESS, INC., Post Office Box 39, Mail Route No. 3, Carlisle, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Water cooling towers, and parts thereof*, when moving with such towers, from Glasgow, Mo., to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Delaware, Maryland, Ohio, Pennsylvania, Virginia, West Virginia, North Carolina, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant did not specify any particular area.

No. MC 117815 (Sub-No. 69), filed September 20, 1965. Applicant: PULLEY FREIGHT LINES, INC., 2341 Easton Boulevard, Des Moines, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Fort Dodge, Webster City, and Des Moines, Iowa, to points in the Upper Peninsula of Michigan. NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 117933 (Sub-No. 4), filed September 27, 1965. Applicant: LOUIS G. PARIS, Box O, Krebs, Okla. Applicant's representative: Max G. Morgan, 443-54 American Building, Oklahoma City, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from the plant of Schlitz Brewing Co., Longview, Tex., to Durant, Krebs, Oklahoma City, and Muskogee, Okla. NOTE: If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 118610 (Sub-No. 9), filed September 20, 1965. Applicant: L & B EXPRESS, INC., Post Office Box 281, Owensboro, Ky. Applicant's representative: Fred F. Bradley, Suite 202-204, Court Square Office Building, Frankfort, Ky., 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles, and rejected shipments*, between points in Kentucky. NOTE: If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 119118 (Sub-No. 18), filed September 27, 1965. Applicant: LEWIS W. McCURDY AND MARGARET J. McCURDY, a partnership, doing business as McCURDY'S TRUCKING CO., 571 Unity Street, Latrobe, Pa. Applicant's representative: Paul F. Sullivan, 1815 H Street NW., Washington, D.C., 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, from Erie, Pa., to points in West Virginia (except Weirton), points in New York (except Jamestown) and points in New Jersey. NOTE: Applicant is also authorized to conduct operations as a contract carrier in Permit MC 116564 and subs, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, or Erie, Pa.

No. MC 119641 (Sub-No. 59), filed September 13, 1965. Applicant: RINGLE EXPRESS, INC., 405 South Grant Avenue, Fowler, Ind. Applicant's representative: Robert C. Smith, 620 Illinois Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tractors* (not including tractors with vehicle beds, bed frames or fifth wheels), (2) *agricultural machinery and implements*, (3) *industrial and construction machinery and equipment*, (4) *equipment* designed for use in connection with tractors, (5) *trailers* designed for the transportation of the commodities described above (other than those designed to be drawn by passenger automobiles), (6) *attachments* for the commodities described above, (7) *internal combustion engines*, and (8) *parts* of the commodities described in (1) through (7) above when moving in mixed loads with such commodities, (a) from the plant and warehouse sites, and experimental farms of Deere & Co. located in Dodge County, Wis., and Black Hawk, Dubuque, Polk, and Wapello Counties, Iowa, to points in Alabama, Connecticut, Delaware, District of Columbia, Florida, Georgia, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, and West Virginia, (b) from the plant and warehouse sites, and experimental farms of Deere & Co. located in Rock Island County, Ill., to points in Alabama, Connecticut, Delaware, District of Columbia, Florida, Georgia, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, and West Virginia.

(c) From the plant and warehouse sites, and experimental farms of Deere & Co. located in Rock Island County, Ill., Dodge County, Wis., and Polk and Wapello Counties, Iowa, to points in Arkansas and Louisiana, and (d) from the ports of entry on the international boundary line between the United States

and Canada located at Detroit and Port Huron, Mich., and Buffalo, N.Y., in connection with traffic originating at points in the Province of Ontario, Canada, to points in Alabama, Arkansas, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and Wyoming. Restriction: The requested authority will be restricted to traffic originating at the plant and warehouse sites, and experimental farms, named above. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 119670 (Sub-No. 8), filed September 27, 1965. Applicant: THE VICTOR TRANSIT CORPORATION, Post Office Box 115, Winton Place Station, Cincinnati 32, Ohio. Applicant's representative: Robert H. Kinker, 711 McClure Building, Frankfort, Ky., 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry rendered tankage and tallow*, in bulk, in tank vehicles and in containers, when moving from, to or between the establishments of manufacturers or processors of such commodities, between Cincinnati, Ohio, on the one hand, and, on the other, points in Alabama, Delaware, Georgia, Illinois, Indiana, Kentucky, Maryland, Michigan, Mississippi, New Jersey, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, and Wisconsin. NOTE: Applicant states that it presently holds authority identical to that requested above, subject to the restriction that "tallow shall be transported only in tank trailers furnished by shippers." The purpose of this application is to remove such restriction. If a hearing is deemed necessary, applicant requests it be held at Cincinnati, Ohio.

No. MC 119741 (Sub-No. 20), filed September 20, 1965. Applicant: GREEN FIELD TRANSPORT COMPANY, INC., Post Office Box 1453, Winter Haven, Fla. Applicant's representative: Paul M. Daniell, 1600 First Federal Building, Atlanta, Ga., 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from Perry, Iowa, to points in Wisconsin, Illinois, Indiana, Ohio, Michigan, Missouri, and Kansas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 119741 (Sub-No. 21), filed September 20, 1965. Applicant: GREEN

FIELD TRANSPORT COMPANY, INC., Post Office Box 1453, Winter Haven, Fla. Applicant's representative: Paul M. Daniell, Suite 1600 First Federal Building, Atlanta, Ga., 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk in tank vehicles), from Worthington and Mankato, Minn., to points in Illinois, Iowa, Kansas, Missouri, and Nebraska. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119767 (Sub-No. 122), filed September 28, 1965. Applicant: BEAVER TRANSPORT CO., a corporation, 100 South Calumet Street, Post Office Box 339, Burlington, Wis., 53105. Applicant's representative: Fred H. Figge (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Belvidere, Ill., to points in Iowa, Minnesota, Missouri, and Nebraska. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119778 (Sub-No. 95), filed September 27, 1965. Applicant: REED-WING CARRIERS, INC., Post Office Box 34 Powderly Station, Birmingham, Ala. Applicant's representative: J. Douglas Harris, 410-411 Bell Building, Montgomery, Ala., 36104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer*, in bulk, from points in Houston County, Ala., to points in Georgia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 123502 (Sub-No. 16), filed September 27, 1965. Applicant: FREE STATE STONE SERVICE, INC., 10 Vernon Avenue, Glen Burnie, Md. Applicant's representative: Donald E. Freeman, 172 East Green Street, Westminster, Md. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fertilizer and fertilizer materials*, in bulk, from Philadelphia, Pa., to points in Delaware, Maryland, and Virginia, and (2) *urea*, in bulk, in dump vehicles, from Claymont, Del., to points in Delaware, Connecticut, Maryland, New Jersey, New York, Ohio, Pennsylvania, Virginia, West Virginia, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 123934 (Sub-No. 8), filed September 20, 1965. Applicant: KREVDA BROS. EXPRESS, INC., Post Office Box 68, Gas City, Ind. Applicant's representative: Donald W. Smith, Suite 511, Fidelity Building, Indianapolis, Ind., 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers*, from Kane, Knox, Sheffield,



Marienville, and Parker, Pa., to points in Kentucky and St. Louis, Mo., and *materials and supplies* used or useful in the manufacture of glass containers, on return. Note: If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa., or Washington, D.C.

No. MC 123934 (Sub-No. 9), filed September 20, 1965. Applicant: KREVDA BROS. EXPRESS, INC., Post Office Box 68, Gas City, Ind. Applicant's representative: Donald W. Smith, Suite 511, Fidelity Building, Indianapolis, Ind., 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Machinery and tank blocks* used in the manufacture of glass containers, between the plantsites of Knox Glass, Inc., located in Gas City, Ind., Jackson, Miss., Palestine, Tex., Atlanta, Ga., Danielson, Conn., Baltimore, Md., Knox, Parker, and Marienville, Pa. Note: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Washington, D.C.

No. MC 124383 (Sub-No. 4), filed September 27, 1965. Applicant: DREYER TRANSPORT, INC. (DAVID F. KOPPLIN, RECEIVER), 4939 North 36th Street, Milwaukee, Wis. Applicant's representative: Arthur J. Schmid, Jr., Suite 6005, Plankinton Building, Milwaukee, Wis., 53203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lightweight aggregates*, in bulk (lightweight stone), from Marseilles and Ottawa, Ill., to Appleton, Brillion, Burlington, Hales Corners, Neenah, Waukesha, and West Allis, Wis. Note: If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis.

No. MC 124636 (Sub-No. 2), filed September 27, 1965. Applicant: BRADLEY FREIGHT LINES, INC., Post Office Box 6058, Knoxville, Tenn. Applicant's representative: Herbert L. Hyde, 18½ Church Street, Post Office Box 7376, Asheville, N.C., 28807. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Furniture and cabinets*, from points in Swain, Cherokee, and Macon Counties, N.C., to points in the United States (except points in Alaska and Hawaii), and *damaged and refused shipments*, on return; and (2) *furniture stock and parts*, between points in Cherokee and Swain Counties, N.C., on the one hand, and, on the other, points in Tennessee and North Carolina. Note: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 124796 (Sub-No. 14), filed September 27, 1965. Applicant: CONTINENTAL CONTRACT CARRIER CORP., 7236 East Slauson Avenue, Los Angeles 22, Calif. Applicant's representative: J. Max Harding, Box 2028, Lincoln, Nebr., 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plumbing fixtures and supplies, air conditioning and heating units*, from St. Louis, Mo., Port Huron, Mich., Philadelphia, Greensburg, and York, Pa., Braintree, Mass.,

Houston, Tex., East St. Louis, Ill., and Fort Smith, Ark., to points in Arizona, California, and Nevada, and *damaged and rejected shipments*, on return, limited to a service performed under a continuing contract with Pacific Cast Iron Pipe and Fitting Co., Inc., Van Nuys, Calif. Note: If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 124939 (Sub-No. 6), filed September 27, 1965. Applicant: FOOD HAUL, INC., 888 West Goodale Boulevard, Columbus, Ohio, 43212. Applicant's representative: J. A. Kundtz, 1050 Union Commerce Building, Cleveland, Ohio, 44115. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale, retail and chain grocery and food business houses and in connection therewith, *equipment, materials and supplies* used in the conduct of such business, (1) between points in Chemung County, N.Y., on the one hand, and, on the other, points in that part of Pennsylvania bounded by a line beginning at Lawrenceville, Pa., and extending south along U.S. Highway 15 to Mansfield, Pa., thence southwest along U.S. Highway 6 to Wellsboro, Pa.

Thence south along Pennsylvania Highway 287 to junction U.S. Highway 220, thence along U.S. Highway 220 to Jersey Shore, Pa., thence east along Pennsylvania Highway 44 to junction U.S. Highway 15, thence south along U.S. Highway 15 to Shamokin Dam, thence over the Susquehanna River to Pennsylvania Highway 147, thence north along Pennsylvania Highway 147 to junction U.S. Highway 11, thence along U.S. Highway 11 to Shickshinny, Pa., thence north along Pennsylvania Highway 239 to junction Pennsylvania Highway 487, thence along Pennsylvania Highway 487 to junction U.S. Highway 220, thence north along U.S. Highway 220 through Towanda, Pa., to the Pennsylvania-New York State line, thence west along the Pennsylvania-New York State line to Lawrenceville, Pa., and point of beginning, including the points named; (2) between points in Chemung County, N.Y., on the one hand, and, on the other, Scranton, Pa.; and (3) between points in Chemung County, N.Y., on the one hand, and, on the other, points in Steuben, Chemung, Tioga, Broome, and Tompkins Counties, N.Y. Note: Applicant states that the above proposed operation will be conducted for the account of the Great Atlantic & Pacific Tea Co., Inc. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 124951 (Sub-No. 14), filed September 20, 1965. Applicant: WATHEN TRANSPORT, INC., Post Office Box 237, Henderson, Ky. Applicant's representative: Robert M. Pearce, 1033 State Street, Central Building, Bowling Green, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles*, except those requiring special equipment, be-

tween Owensboro, Covington, Newport, Ashland, Louisville and Henderson, Ky., and Evansville, Ind., on the one hand, and, on the other, points in Illinois, Indiana, Kentucky, and Tennessee. Note: Applicant holds contract carrier authority in MC 119309, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 125010 (Sub-No. 5), filed September 27, 1965. Applicant: GIBCO MOTOR EXPRESS, INC., Post Office Box 312, Terre Haute, Ind. Applicant's representative: Warren C. Moberly, 1212 Fletcher Trust Building, Indianapolis, Ind. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ferroalloys*, in bulk, in modified dump vehicles and/or metal boxes, (1) (a) from Calvert City, Ky., to Terre Haute, Ind.; (b) from Terre Haute, Ind., to Danville, Ill.; and (2) from Calvert City, Ky., to Danville, Ill. Note: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 125027 (Sub-No. 1), filed September 20, 1965. Applicant: PHELPS TRUCKING, INC., Post Office Box 457, Childersburg, Ala. Applicant's representative: R. S. Richard, 57 Adams Avenue, Montgomery, Ala., 36103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime and limestone*, from the plant and warehouses of the U.S. Gypsum Co. at or near Montevallo, Ala., to points in Florida, Georgia, North Carolina, South Carolina, Mississippi, Tennessee, and that part of Louisiana on and east of the Mississippi River. Note: If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.

No. MC 125161 (Sub-No. 5), filed September 21, 1965. Applicant: UNITED FREIGHTWAYS, INC., 671 Chestnut Street, North Andover, Mass. Applicant's representative: George C. O'Brien, 33 Broad Street, Boston, Mass., 02109. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, mixed and *fertilizer materials*, dry, in bulk, from North Weymouth, Mass. (plantsite of the American Agricultural Chemical Co.), to points in that part of Maine and New Hampshire on and south of U.S. Highway 302 and that part of Vermont on and south of a line beginning at the New Hampshire-Vermont State line and extending along U.S. Highway 302 to junction U.S. Highway 2, thence along U.S. Highway 2 to Burlington, Vt. Note: If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 125708 (Sub-No. 31), filed September 23, 1965. Applicant: HUGH MAJOR, 150 Sinclair Avenue, South Roxana, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and articles of iron and steel manufacture*, from points in Whiteside County, Ill., to points in Wisconsin. Note: Applicant is also authorized to conduct

operations as a contract carrier in Permit MC 116434 and Subs thereunder; therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 125717 (Sub-No. 3), filed September 22, 1965. Applicant: NORMAN JOSEPH CHOPLIN, doing business as JOE CHOPLIN, 1301 North Spring, Independence, Mo. Applicant's representative: Frank W. Taylor, Jr., 1221 Baltimore Avenue, Kansas City, Mo., 64105. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dairy replacement products*, from Kansas City, Mo., to Alton, Bloomington, Decatur, Peoria, Springfield, Moline, and Rock Island, Ill., and *returned, refused and rejected shipments* of the commodities specified above, on return. NOTE: Applicant states the service as proposed above to be rendered under a continuing contract with Presto Food Products, Inc. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 126045 (Sub-No. 4), filed September 27, 1965. Applicant: ALTER TRUCKING AND TERMINAL CORPORATION, 2333 Rockingham Road, Davenport, Iowa. Applicant's representative: Eugene D. Anderson, 135 South La Salle Street, Chicago, Ill., 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal feed ingredients, which include dicalcium phosphate, and difluorinated phosphate*, (1) from Davenport, Iowa, to points in Arkansas, Illinois, Kentucky, Michigan, Minnesota, Mississippi, Missouri (except points in the St. Louis-East St. Louis commercial zone), Nebraska, Ohio, Pennsylvania on and west of U.S. Highway 219, South Dakota, Tennessee, and Wisconsin and (2) from Montpelier, Iowa, to points in Ohio, Michigan, Pennsylvania on and west of U.S. Highway 219, Kentucky, Tennessee, Mississippi, and Arkansas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa or Washington, D.C.

No. MC 126648 (Sub-No. 2) filed September 29, 1965. Applicant: WILLIAM CLAYBORN DELP, Route 1, Meadowview, Va. Applicant's representative: J. D. Bowie, Reynolds Arcade Building, Bristol, Va. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and fertilizer materials and compounds*, for the account of American Agricultural Chemical Co., from Johnson City and Knoxville, Tenn., to points in Ashe, Avery, Buncombe, Haywood, Henderson, Madison, Mitchell, Transylvania, Watauga and Yancey Counties, N.C. and Bland, Buchanan, Dickenson, Lee, Pulaski, Russell, Scott, Smyth, Tazewell, Washington, Wythe, and Wise Counties, Va. NOTE: Applicant states if and when the authority sought herein is granted, he agrees to revocation of present authority held now in Permit MC 126648. If a hearing is deemed

necessary, applicant requests it be held at Bristol, Va.

No. MC 126718 (Sub-No. 1), filed September 23, 1965. Applicant: IRONWOOD MOBILE HOMES, INC., Route 11, Box 749, Highway 78, East, Irondale, Ala. Applicant's representative: R. B. Jones, Suite 515-516 Frank Nelson Building, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mobile homes*, between points in Alabama, Florida, and Mississippi. NOTE: If a hearing is deemed necessary applicant requests it be held at Birmingham, Ala.

No. MC 126965 (Sub-No. 3), filed September 23, 1965. Applicant: CLIFFORD B. FINKLE, JR., 800 Bloomfield Avenue, Clifton, N.J. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Books, book displays and exhibition equipment, materials and supplies*, crated and uncrated, between points in the United States (except Hawaii and Alaska), under continuing contract with Porta Display, Inc., Carlstadt, N.J. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 127215 (Sub-No. 5), filed September 27, 1965. Applicant: KENDRICK CARTAGE CO., a corporation, Post Office Box 63, Salem, Ill. Applicant's representative: Thomas F. Kilroy, Federal Bar Building, 1815 H Street NW., Washington, D.C., 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, fertilizer materials, compounds, and ingredients, feed and feed ingredients*, from Cairo, Ill., to points in Arkansas, Kentucky, Missouri, Tennessee, Indiana, and Illinois. NOTE: Applicant is also authorized to conduct operations as contract carrier in Permit MC 110117 and Subs thereunder; therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 127215 (Sub-No. 6), filed September 27, 1965. Applicant: KENDRICK CARTAGE CO., a corporation, Salem, Ill. Applicant's representative: Thomas F. Kilroy, 1815 H Street NW., Washington, D.C., 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal fats, tallow, and blends thereof*, in bulk, in tank vehicles, from Garden City, Kans., and points within ten (10) miles thereof, to points in the United States (except Alaska and Hawaii). NOTE: Applicant is also authorized to conduct operations as a contract carrier in Permit No. MC 110117 and Subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 127215 (Sub-No. 7), filed September 27, 1965. Applicant: KENDRICK CARTAGE CO., a corporation,

Post Office Box 63, Salem, Ill. Applicant's representative: Thomas F. Kilroy, Federal Bar Building, 1815 H Street NW., Washington, D.C., 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal fats, tallow, and blends thereof*, in bulk, in tank vehicles, from Phelps City, Mo., to points in the United States (except Alaska and Hawaii). NOTE: Applicant is also authorized to conduct operations as a contract carrier in Permit No. MC 110117 and Subs thereunder; therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 127232 (Sub-No. 1) (CORRECTION), filed August 16, 1965, published in FEDERAL REGISTER, Issue of September 1, 1965, and republished as corrected this issue. Applicant: BELFORD TRUCKING LTD., 3014 Cedar Creek Drive, Cooksville, Ontario, Canada. Applicant's representative: William J. Hirsch, 43 Niagara Street, Buffalo, N.Y., 14202. NOTE: The purpose of this republication is to show applicant's representative as shown above.

No. MC 127274 (Sub-No. 8), filed September 24, 1965. Applicant: SHERWOOD TRUCKING, INC., 1517 Hoyt Avenue, Post Office Box 2189, Muncie, Ind. Applicant's representative: Howell Ellis, Suite 616-618 Fidelity Building, 111 Monument Circle, Indianapolis, Ind., 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food-stuffs and food preparations*, to be transported in vehicles equipped with mechanical temperature control, but not restricted to commodities requiring such temperature control, except in bulk, in tank vehicles, from points in the Lower Peninsula of Michigan to points in Alabama, Arkansas, Florida, Georgia, Kentucky (except Louisville and Covington, Ky.), Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas, and Virginia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Lansing, Mich.

No. MC 127419 (Sub-No. 1), filed September 27, 1965. Applicant: WILLIAM VOLLMER AND VIRGIL VOLLMER, a partnership, doing business as VOLLMER TRUCK SERVICE, Millstadt, Ill. Applicant's representative: Delmar O. Koebel, 107 West St. Louis Street, Lebanon, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beer*, from South Bend, Ind., to points in St. Clair County, Ill. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 127431 (Sub-No. 2), filed September 20, 1965. Applicant: CAROLINA-VIRGINIA COURIERS, INC., 222-17 Northern Boulevard, Bayside, N.Y. Applicant's representative: Ewell H. Muse, Jr., Suite 415, Perry Brooks Building, Austin 1, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Exposed and processed film and prints, complimentary replacement film,*

*incidental dealer handling supplies, and advertising literature* moved therewith (except motion picture film used for commercial theatre and television exhibition), between Richmond, Va., on the one hand, and on the other, points in North Carolina. **NOTE:** Applicant is also authorized to conduct operations as contract carrier in Permit No. MC 123486 and Subs thereunder, therefore, dual operations may be involved. If a hearing is deemed necessary applicant requests it be held at Richmond, Va.

No. MC 127563 (Sub-No. 2), filed September 23, 1965. Applicant: HAL BUTLER LUMBER WHOLESALE, INC., Box 447, Show Low, Ariz. Applicant's representative: Richard Minne, 609 Luhrs Building, Phoenix, Ariz., 85003. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from Whiteriver, Ariz., to points in New Mexico and Texas, and *rejected shipments*, on return. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Phoenix, Ariz.

No. MC 127594 (Sub-No. 1), filed September 28, 1965. Applicant: FRANCIS PETRELLA AND JOSEPH PETRELLA, a partnership doing business as, PETRELLA'S EXPRESS, St. Joseph's Lane, Downingtown, Pa. Applicant's representative: G. Donald Bullock, Box 146, Wyncote, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, between Downingtown, Pa., on the one hand, and, on the other, points in New Jersey, the Washington, D.C. commercial zone, as defined by the Commission; and Baltimore, Md.; and Richmond, Berryville, and New Market, Va. **NOTE:** Applicant is also authorized to conduct operations as a contract carrier in Permit No. MC 42043, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 127606, filed September 22, 1965. Applicant: STEMIC TRUCKING CO., INC., 175 Winter Street, West Hanover, Mass. Applicant's representative: Kenneth B. Williams, 111 State Street, Boston, Mass., 02109. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Chemicals*, in bulk, from Hanover, Mass., to Corinna and Orono, Maine, under a continuing contract with Rockland Industries, Inc., 175 Winter Street, West Hanover, Mass.; (2) *chemicals, dyes, detergents, bleaching agents, and lubricants*, in containers, from Hanover, Mass., to Corinna, Orono, Clinton, Bangor and Old Town, Maine, under a continuing contract with Rockland Industries, Inc., 175 Winter Street, West Hanover, Mass.; (3) *woolen and blends of woolen and synthetic piece goods*, from Corinna, Maine, to points in Massachusetts, under a continuing contract with R.W. Striar & Co., 83 Harrison Avenue, Boston, Mass., and (4) *wool and wool and synthetic waste, blends of wool and synthetic waste and rags*, from points in Massachusetts to Corinna,

Orono, Clinton, and Bangor, Maine, under a continuing contract with Striar Brothers Textile Mill, Orono, Maine. **NOTE:** The applicant states that it and the above-named shippers are owned by members of the Striar family. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 127608, filed September 24, 1965. Applicant: B-BROTHERS CARTAGE, INC., Post Office Box 21, Blue Island, Ill. Applicant's representative: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pallet racks*, from the plantsite of the Interlake Steel Corp. at or near Pontiac, Ill., to points in Iowa, Wisconsin, Indiana, Michigan, Ohio, Kentucky, and Missouri. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 127611, filed September 14, 1965. Applicant: GLEN W. PILCHER, doing business as PILCHER FEED AND GRAIN, Mt. Moriah, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Livestock and grain*, in bulk, oil, in containers, *sack feed, salt, and bag fertilizer*, between points in Oklahoma, Kansas, and Missouri. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 127612, filed September 20, 1965. Applicant: DAWN TRUCKING CORP., 4306 First Avenue, Brooklyn, N.Y., 11232. Applicant's representative: Alvin Altman, 1776 Broadway, New York 19, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt* in packages or in bulk, from New York, N.Y., to points in Fairfield, New Haven, Hartford, and Litchfield Counties, Conn., those in Philadelphia, Delaware, and Bucks Counties, Pa., and those in New Jersey in and north of Camden, Burlington, and Ocean Counties, N.J. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 127613, filed September 27, 1965. Applicant: CENTRAL STORAGE & TRANSFER CO. INC., 1535 Texas Avenue, Shreveport, La. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission (containerized), between points in Louisiana, those in Bowie, Cass, Morris, Upshur, Marion, Gregg, Harrison, Smith, Rusk, Panola, Nacogdoches, Shelby, and Sabine Counties, Tex., and Lafayette County, Ark. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Shreveport, Caddo Parish, La.

#### MOTOR CARRIERS OF PASSENGERS

No. MC 2796 (Sub-No. 6), filed September 22, 1965. Applicant: FULLINGTON AUTO BUS COMPANY, INC., (Rear) 314 Cherry Street, Clearfield, Clearfield County, Pa. Applicant's representative: Christian V. Graf, 407 North

Front Street, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in special operations, restricted to round-trip, all expense tours, beginning and ending at points in Clearfield (except the Borough of Clearfield and the township of Lawrence), Centre (except the Borough of Philipsburg and the township of Ferguson), Blair, Mifflin, and Huntingdon Counties, Pa., and extending to points in the United States including Alaska, but excluding Hawaii. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at State College or Harrisburg, Pa.

No. MC 109736 (Sub-No. 25), filed September 22, 1965. Applicant: CAPITOL BUS COMPANY, a corporation, Fourth and Chestnut Streets, Harrisburg, Pa. Applicant's representative: James E. Wilson, 1735 K Street NW., Washington, D.C., 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special operations limited to round-trip sightseeing or pleasure tours designed for leisurely travel, as distinguished from expeditious point-to-point transportation, subject to all the following requirements: (1) Each tour must include (a) sightseeing stops en route, and (b) an overnight stop every night during the entire tour, (2) on each tour the passengers must (a) maintain their identity as a group for the duration of the tour, (b) engage in some group activities that are organized, supervised, and controlled by the carrier, and (c) be accompanied by a tour conductor or guide and (3) the price of each tour must include (a) some of the meals, (b) lodging for each night during the entire tour, (c) admission fees to any point or events of interest for which a fee is charged and (d) the cost of transportation, beginning and ending at points in Chemung and Tioga Counties, N.Y., Bradford, Wyoming, Lackawanna, Luzerne, Schuylkill, Berks (except Kutztown and points within 5 miles thereof), Montgomery, Lebanon, Dauphin, Cumberland, and Adams Counties, Pa., and Frederick County, Md., and extending to points in the United States, including Alaska but excluding Hawaii. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

#### APPLICATION FOR BROKERAGE LICENSES

No. MC 12967, filed September 22, 1965. Applicant: CARDINAL TRAVEL SERVICE, INC., Post Office Box 271, Middlebury, Ind. Applicant's representative: Ferdinand Born, 1017-19 Chamber of Commerce Building, Indianapolis 4, Ind. For a license (BMC 5) to engage in operations as a *broker* at Middlebury and Elkhart, Ind., in arranging for transportation in interstate or foreign commerce of *Passengers and their baggage*, in charter and special operations, beginning and ending at points in Indiana and points in Berrien, Cass, St. Joseph, Branch, Hillsdale, Calhoun, Kalamazoo, and Van Buren Counties, Mich., and ex-

tending to points in the United States, including Alaska and Hawaii, (2) between points in Indiana and points in Berrien, Cass, St. Joseph, Branch, Hillsdale, Calhoun, Kalamazoo, and Van Buren Counties, Mich.

#### APPLICATION OF FREIGHT FORWARDERS

##### FREIGHT FORWARDER OF PROPERTY

No. FF-326 INTERNATIONAL SEA VAN, INC. Freight Forwarder. Application, filed September 27, 1965. Applicant: INTERNATIONAL SEA VAN, INC., 1212 St. George Road, Evansville, Ind. Applicant's representatives: Herbert Burstein, 160 Broadway, New York, N.Y., 10038. Authority sought under part IV of the Interstate Commerce Act as a *freight forwarder* in interstate or foreign commerce, in the transportation of *household goods, unaccompanied baggage and privately owned automobiles*, between points in the United States including Alaska and Hawaii. NOTE: Applicant states it is a wholly owned subsidiary of Atlas Van-Lines, Inc., and control relationship is set forth in MC-F-9021.

#### APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

No. MC 104123 (Sub-No. 71), filed September 27, 1965. Applicant: JOHN SCHUTT, JR., INC., 4361 River Road, Town of Tonawanda, N.Y. Applicant's representative: Robert G. Gawley, 631 Niagara Street, Buffalo 1, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum chloride*, in bulk, in sealed tank vehicles with pneumatic unloading device, from Buffalo, N.Y. and points on the international boundary line between the United States and Canada located on the Niagara River, to points in West Virginia on and west of U.S. Highway 19.

No. MC 108453 (Sub-No. 29), filed September 27, 1965. Applicant: G & A TRUCK LINE, INC., 404 West Peck Avenue, White Pigeon, Mich. Applicant's representative: William P. Sullivan, 1825 Jefferson Place NW., Washington, D.C., 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic containers, and accessories* therefor, between Elk Grove, Ill., and Three Rivers, Mich. NOTE: Applicant states the proposed operations will be performed under a continuing contract or contracts with Continental Can Co., Inc. of New York, N.Y.

No. MC 126561 (Sub-No. 1), filed September 27, 1965. Applicant: STARLIN MITCHELL, doing business as MITCHELL TRUCKING COMPANY, 309 North Laurel Street, Corbin, Ky. Applicant's representative: Ollie L. Merchant, 140 South Fifth Street, Louisville, Ky., 40202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Feed*, from Cincinnati, Ohio, to Barbourville, Corbin, Harlan and Williamsburg, Ky., (2) *fertilizer*, from Cincinnati, Ohio to Corbin, Ky., and (3) *salt*, from Rittman, Ohio to

Barbourville, Corbin, Harlan, and Williamsburg, Ky.

No. MC 127175, (Sub-No. 3), filed September 23, 1965. Applicant: OMER B. WILLIAMS AND THOMAS E. WILLIAMS, a partnership, doing business as WHITE OAK MILL, Route 4, Box 200, Vinita, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Potash and boron compounds*, in bags and bulk, from points in Eddy and Lea Counties, N. Mex., to points in Oklahoma, Kansas, and Missouri.

By the Commission.

[SEAL] H. NEIL GARSON,  
Secretary.

[F.R. Doc. 65-10879; Filed, Oct. 13, 1965;  
8:45 a.m.]

[No. 34631]

#### SOUTHERN PACIFIC CO.

#### Increased Passenger Fares Between San Francisco and San Jose, Calif., and Intermediate Points

Order. At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 4th day of October A.D. 1965.

It appearing, that the Southern Pacific Co. filed a petition alleging that its presently effective intrastate passenger fares between San Francisco and San Jose, Calif., and points intermediate thereto, cause and result in undue and unreasonable advantage, preference and prejudice as between persons and localities in intrastate commerce, on the one hand, and interstate commerce on the other hand, and in undue, unreasonable and unjust discrimination against, and undue burden on, interstate and foreign commerce, in violation of section 13 of the Interstate Commerce Act:

*It is ordered*, That in response to the petition, an investigation be, and it is hereby, instituted, and that a hearing be held herein for the purpose of receiving evidence to determine whether the aforesaid fares cause or will cause any undue or unreasonable advantage, preference, or prejudice, as between persons or localities in intrastate commerce, on the one hand, and interstate or foreign commerce, on the other hand, or any undue, unreasonable or unjust discrimination against, or undue burden on interstate or foreign commerce; and to determine what fares, if any, shall be prescribed to remove the unlawful advantage, preference, prejudice, discrimination, or undue burden, if any is found to exist.

*It is further ordered*, That the Southern Pacific Co. be, and it is hereby, made respondent to this proceeding; that a copy of this order be served upon the respondent, and that the State of California be notified of the proceeding by sending copies of this order and of the petition by certified mail to the Governor of the State and to the California Public Utilities Commission.

*It is further ordered*, That this proceeding be, and it is hereby, referred to Hearing Examiner L. J. Kassel for hearing commencing on November 18, 1965, 9:30 a.m. U.S. standard time, at the New Federal Office Building, 450 Golden Gate Avenue, San Francisco, Calif., and for the recommendation of an appropriate order thereon, accompanied by the reasons therefor.

*It is further ordered*, That notice of this proceeding be given to the public by depositing a copy of this order in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register, Washington, D.C.

By the Commission, Division 2.

[SEAL] H. NEIL GARSON,  
Secretary.

[F.R. Doc. 65-10959; Filed, Oct. 13, 1965;  
8:48 a.m.]

[Notice 65]

#### MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

OCTOBER 11, 1965.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules in Ex Parte No. MC 67 (49 CFR Part 240), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protest must be specific as the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined, at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the Field Office to which protests are to be transmitted.

#### MOTOR CARRIERS OF PROPERTY

No. MC 2900 (Sub-No. 122 TA), filed October 6, 1965. Applicant: RYDER TRUCK LINES, INC., 2050 Kings Road, Post Office Box 2408, Jacksonville, Fla. Applicant's representative: Paul M. Daniell, Suite 1600, First Federal Building, Atlanta, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring the use of special equipment), (a) between Columbus, Ga., on the one hand, and, on



the other, the plantsites of the Georgia Kraft Company, doing business as Alabama Kraft Company; Mead Corporation; and, Inland Container Corporation; located at or near Cottonont, Ala., now known as Mahrt, Ala.; and (b) serving the plantsites of Georgia Kraft Company, doing business as Alabama Kraft Company, Mead Corporation, and Inland Container Corporation at or near Cottonont, Ala., now known as Mahrt, Ala., as off-route points in connection with the carrier's otherwise authorized operations, for 150 days. Supporting shippers: The Mead Corporation, Talbott Tower, Dayton, Ohio, 45402; Inland Container Corporation, Indianapolis, Ind.; and, the Rust Engineering Company, 2316 Fourth Avenue North, Birmingham, Ala., 35203. Send protests to: George H. Fauss, Jr., District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Post Office Box 4969, Jacksonville, Fla.

No. MC 18088 (Sub-No. 40 TA), filed October 6, 1965. Applicant: FLOYD & BEASLEY TRANSFER COMPANY, INC., Post Office Drawer 8, Sycamore, Ala. Applicant's representative: Paul M. Daniell, Suite 1600, First Federal Building, Atlanta, Ga., 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring the use of special equipment), (a) between Columbus, Ga., on the one hand, and, on the other, the plant sites of the Georgia Kraft Company, doing business as Alabama Kraft Company; Mead Corporation; and, Inland Container Corporation; located at or near Cottonont, Ala., now known as Mahrt, Ala., and (b) serving the plant sites of Georgia Kraft Company, doing business as Alabama Kraft Company, Mead Corporation, and Inland Container Corporation at or near Cottonont, Ala., now known as Mahrt, Ala., as off-route points in connection with the carrier's otherwise authorized operations, for 180 days. Supporting shippers: The Mead Corporation, Talbott Tower, Dayton, Ohio, 45402; Inland Container Corporation, Indianapolis, Ind.; the Rust Engineering Company, 2316 Fourth Avenue North, Birmingham, Ala., 35203. Send protests to: B. R. McKenzie, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 1325 City Federal Building, Birmingham, Ala., 35203.

No. MC 55848 (Sub-No. 36 TA), filed October 6, 1965. Applicant: HUCKABEE TRANSPORT CORP., Post Office Box 479, Columbia, S.C. Applicant's representative: Alan E. Serby, Suite 1600, First Federal Building, Atlanta, Ga., 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the

Commission, commodities in bulk, and commodities requiring the use of special equipment), between Columbus, Ga., on the one hand, and, on the other, the plant sites of the Georgia Kraft Company, doing business as Alabama Kraft Company; Mead Corporation; and Inland Container Corporation; located at or near Cottonont, Ala., now known as Mahrt, Ala., for 180 days. Supporting shippers: The Mead Corporation, Talbott Tower, Dayton, Ohio, 45402; Inland Container Corporation, Indianapolis, Ind.; and the Rust Engineering Company, 2316 Fourth Avenue North, Birmingham, Ala., 35203. Send protests to: Arthur B. Abercrombie, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 509 Federal Building, 901 Sumter Street, Columbia, S.C., 29201.

No. MC 61628 (Sub-No. 32 TA), filed October 6, 1965. Applicant: TAMiami FREIGHTWAYS, INC., 4305 21st Avenue, Tampa, Fla. Applicant's representative: Paul M. Daniell, 1600 First Federal Building, Atlanta, Ga., 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring the use of special equipment), (a) between Columbus, Ga., on the one hand, and, on the other, the plant sites of the Georgia Kraft Company, doing business as Alabama Kraft Company; Mead Corporation; and, Inland Container Corporation; located at or near Cottonont, Ala., now known as Mahrt, Ala.; and (b) serving the plant sites of Georgia Kraft Company, doing business as Alabama Kraft Company, Mead Corporation, and Inland Container Corporation at or near Cottonont, Ala., now known as Mahrt, Ala., as off-route points in connection with the carrier's otherwise authorized operations, for 150 days. Supporting shippers: The Mead Corporation, Talbott Tower, Dayton, Ohio, 45402; Inland Container Corporation, Indianapolis, Ind., 46206; the Rust Engineering Company, 2316 Fourth Avenue North, Birmingham, Ala., 35203. Send protests to: Joseph B. Telchert, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Room 1621, 51 Southwest First Avenue, Miami, Fla., 33130.

No. MC 61788 (Sub-No. 24 TA), filed October 6, 1965. Applicant: GEORGIA FLORIDA ALABAMA TRANSPORTATION COMPANY, Post Office Box 1327, 110 Speigner Street, Dothan, Ala. Applicant's representative: Paul M. Daniell, Suite 1600, First Federal Building, Atlanta, Ga., 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring the use of special equipment),

(a) between Columbus, Ga., on the one hand, and, on the other, the plantsites of the Georgia Kraft Company, doing business as Alabama Kraft Company; Mead Corporation; and, Inland Container Corporation; located at or near Cottonont, Ala., now known as Mahrt, Ala.; and (b) serving the plantsites of Georgia Kraft Company, doing business as Alabama Kraft Company, Mead Corporation, and Inland Container Corporation at or near Cottonont, Ala., now known as Mahrt, Ala., as off-route points in connection with the carrier's otherwise authorized operations, for 150 days. Supporting shippers: The Mead Corporation, Talbott Tower, Dayton, Ohio, 45402; Inland Container Corporation, Indianapolis, Ind.; and the Rust Engineering Company, 2316 Fourth Avenue North, Birmingham, Ala. Send protests to: George H. Fauss, Jr., District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Post Office Box 4969, Jacksonville, Fla.

No. MC 73464 (Sub-No. 98 TA), filed October 6, 1965. Applicant: JACK COLE COMPANY, a corporation, 1900 Vanderbilt Road, Post Office Box 274, Birmingham, Ala. Applicant's representative: Paul M. Daniell, 1600 First Federal Building, Atlanta, Ga., 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities requiring the use of special equipment), (a) between Columbus, Ga., on the one hand, and, on the other, the plant sites of the Georgia Kraft Company, doing business as Alabama Kraft Company; Mead Corporation; and Inland Container Corporation; located at or near Cottonont, Ala., now known as Mahrt, Ala.; and (b) serving the plant sites of Georgia Kraft Company, doing business as Alabama Kraft Company, Mead Corporation, and Inland Container Corporation at or near Cottonont, Ala., now known as Mahrt, Ala., as off-route points in connection with the carrier's otherwise authorized operations, for 150 days. Supporting shippers: The Mead Corporation, Talbott Tower, Dayton, Ohio, 45402; Inland Container Corporation, Indianapolis, Ind.; and the Rust Engineering Company, 2316 Fourth Avenue North, Birmingham, Ala. Send protests to: B. R. McKenzie, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 1325 City Federal Building, Birmingham, Ala., 35203.

No. MC 75651 (Sub-No. 61 TA), filed October 6, 1965. Applicant: R. C. MOTOR LINES, INC., Post Office Box 2501, Jacksonville, Fla., 32203. Applicant's representative: Paul M. Daniell, Suite 1600, First Federal Building, Atlanta, Ga., 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in

bulk, commodities requiring the use of special equipment), (a) between Columbus, Ga., on the one hand, and, on the other, the plant sites of the Georgia Kraft Company, doing business as Alabama Kraft Company; Mead Corporation; and, Inland Container Corporation; located at or near Cottonton, Ala., now known as Mahrt, Ala.; and (b) serving the plant sites of Georgia Kraft Company, doing business as Alabama Kraft Company, Mead Corporation, and Inland Container Corporation at or near Cottonton, Ala., now known as Mahrt, Ala., as off-route points in connection with the carrier's otherwise authorized operations, for 180 days. Supporting shippers: The Mead Corporation, Talbott Tower, Dayton, Ohio, 45402; Inland Container Corporation, Indianapolis, Ind.; and, the Rust Engineering Company, 2316 Fourth Avenue, Birmingham, Ala., 35203. Send protests to: George H. Fauss, Jr., District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Post Office Box 4969, Jacksonville, Fla., 32201.

No. MC 96498 (Sub-No. 20 TA), filed October 6, 1965. Applicant: BONFIELD BROS. TRUCK LINES, INC., 1200 East Second Street, Metropolis, Ill. Applicant's representative: R. W. Burgess, 8514 Midland, St. Louis, Mo., 63114. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (usual exceptions) serving those points within that portion of Indiana bounded by Mt. Vernon, Ind., and Indiana Highway 62 to the Illinois-Indiana border on the north, thence along the Wabash River to its junction with the Ohio River, thence along the Ohio River to the point of beginning, Mt. Vernon, Ind., with service to Uniontown, Ky., and points within 5 miles thereof, as off-route points in connection with applicant's regular routes between Benton, Ill., and Evansville, Ind., for 180 days. Supporting shipper: Perini Corporation, Framingham, Mass. Send protests to: Harold Jolliff, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Room 476-325 West Adams Street, Springfield, Ill., 62704.

No. MC 108185 (Sub-No. 32 TA), filed October 6, 1965. Applicant: DIXIE HIGHWAY EXPRESS, INC., 1900 Vanderbilt Road, Post Office Box 365, Birmingham, Ala., 35201. Applicant's representative: Paul M. Daniell, 1600 First Federal Building, Atlanta, Ga., 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring the use of special equipment), (a) between Columbus, Ga., on the one hand, and, on the other, the plant sites of the Georgia Kraft Company, doing business as Alabama Kraft Company; Mead Corporation; and, Inland Container Corporation; located at or near Cottonton, Ala., now known as Mahrt, Ala.; and (b) serving the plant sites of Georgia Kraft Company, doing

business as Alabama Kraft Company, Mead Corporation, and Inland Container Corporation at or near Cottonton, Ala., now known as Mahrt, Ala., as off-route points in connection with the carrier's otherwise authorized operations, for 150 days. Supporting shippers: The Mead Corporation, Talbott Tower, Dayton, Ohio, 45402; Inland Container Corporation, Indianapolis, Ind.; and, the Rust Engineering Company, 2316 Fourth Avenue, Birmingham, Ala., 35203. Send protests to: B. R. McKenzie, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 1325 City Federal Building, Birmingham, Ala., 35203.

No. MC 108207 (Sub-No. 167 TA), filed October 6, 1965. Applicant: FROZEN FOOD EXPRESS, Post Office Box 5888, 318 Cadiz Street, Dallas, Tex., 75207. Applicant's representative: J. E. McClellan (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Humboldt, Tenn., to points in Arkansas, Illinois, Iowa, Kansas, Louisiana, Michigan, Mississippi, Missouri, Nebraska, Oklahoma, and Texas, for 180 days. Supporting shipper: Consolidated Foods Corporation, 135 South La Salle Street, Chicago, Ill., 60603. Send protests to: E. K. Willis, Jr., District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 513 Thomas Building, 1314 Wood Street, Dallas, Tex., 75202.

No. MC 109533 (Sub-No. 27 TA), filed October 7, 1965. Applicant: OVERNITE TRANSPORTATION COMPANY, a corporation, Post Office Box 1216, 1100 Commerce Road, Richmond, Va. Applicant's representative: Paul M. Daniell, 1600 First Federal Building, Atlanta, Ga., 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring the use of special equipment), between Columbus, Ga., on the one hand, and, on the other, the plant sites of the Georgia Kraft Company, doing business as Alabama Kraft Company; Mead Corporation; and, Inland Container Corporation; located at or near Cottonton, Ala., now known as Mahrt, Ala., for 180 days. Note: Applicant intends to tack above authority with existing authority in MC 109533 & Subs and interline with other carriers at all points served. Supporting shippers: The Mead Corporation, Talbott Tower, Dayton, Ohio, 45402; Inland Container Corporation, Indianapolis, Ind.; the Rust Engineering Co., 2316 Fourth Avenue North, Birmingham, Ala., 35203. Send protests to: Robert W. Waldron, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 10-502 Federal Building, Richmond, Va., 23240.

No. MC 119988 (Sub-No. 13 TA), filed October 6, 1965. Applicant: GREAT WESTERN TRUCKING CO., INC., 811½ North Timberland Drive, Box 1384, Luf-

kin, Tex. Applicant's representative: Mert Starnes, 721 Brown Building, Austin, Tex., 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *granite*, and *equipment and supplies* used in the stenciling and decoration of monuments, when transported in the same vehicle with granite, from points in Richland County, S.C., to points in Arizona, California, Colorado, Idaho, Montana, New Mexico, Oklahoma, Oregon, Texas, Utah, Washington, Wyoming, and Elberton, Ga., for 150 days. Supporting shipper: Phillips Granite Company (H. G. Phillips, Jr., President), Rion, S.C., 29132. Send protests to: John C. Redus, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Post Office Box 61212, Houston, Tex., 77061.

No. MC 124202 (Sub-No. 2 TA), filed October 6, 1965. Applicant: KEITH BOTKINS, 1030 Sinnock Avenue, Moberly, Mo. Applicant's representative: Joseph R. Nacy, 117 West High Street, Post Office Box 352, Jefferson City, Mo., 65102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from Moberly, Mo., to Chicago, Ill., Gary, Ind., Memphis, Tenn., and points in Arkansas and Kentucky, for 150 days. Supporting shipper: Moberly Hardwood Company, Highway 24 and Robertson Road, Moberly, Mo., 65270. Send protests to: B. J. Schreier, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 1100 Federal Office Building, 911 Walnut Street, Kansas City, Mo., 64106.

No. MC 127047 (Sub-No. 2 TA), filed October 6, 1965. Applicant: ED RACETTE & SON, INC., 5409 North Broadway, Wichita, Kans. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings*, prefabricated, in pieces or sections, *materials*, *equipment and supplies* used or useful in construction, selling or distribution thereof, when shipped to building sites to be used in erection and completion of such buildings, from Houston, Tex., to points in Kansas lying on and south of U.S. Highway 40, and Miami and Wagner, Okla., for 180 days. Supporting shipper: F & H Construction, Inc., Post Office Box 7235, Wichita, Kans., 67201. Send protests to: M. E. Taylor, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 906 Schweiter Building, Wichita, Kans., 67202.

No. MC 127616 TA, filed October 6, 1965. Applicant: HANSON M. SAVAGE, doing business as SAVAGE TRUCKING COMPANY, Chester Depot, Vt. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood slabs*, from points in New Hampshire, Massachusetts, and New York to Hartland, Vt.; and, *wood chips*, from Hartland, Vt., to Ticonderoga, N.Y., and Rumford, Maine, for 180 days. Supporting shipper: Britton Lumber Company, Hartland, Vt. Send protests to: Ross J. Seymour, District Supervisor, Bureau of Operations and Compliance, Interstate



Commerce Commission, 14 Parkhurst Street, Lebanon, N.H., 03766.

By the Commission.

[SEAL]

H. NEIL GARSON,  
Secretary.

[F.R. Doc. 65-10960; Filed, Oct. 13, 1965;  
8:48 a.m.]

[Notice 1246]

## MOTOR CARRIER TRANSFER PROCEEDINGS

OCTOBER 11, 1965.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-68073. By order of October 7, 1965, Transfer Board approved the transfer to A & J Limone, Inc., Teaneck, N.J., of the certificate in Nos. MC-1976 and MC-1976 (Sub-No. 8), issued July 24, 1961, and March 9, 1965, respectively, to John Newton Trucking Co., a corporation, Kearny, N.J., authorizing the transportation of: Building materials, from Newark, N.J., to points in New York within 50 miles of Newark; concrete or composition roofing and flooring slabs, from North Arlington, N.J., to points in New York, Connecticut, Delaware, Maryland, a specified portion of Pennsylvania and the District of Columbia; precast forms of concrete and wood fibers or other reinforcing materials and equipment, tools, and implements used in the erection of such forms, from the plantsites of Concrete Plank Company, Inc., at North Arlington and Jersey City, N.J., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia; and returned shipments of the equipment, tools, and implements; and precast forms composed of concrete and wood fibers or other reinforcing materials, from the plantsite of Tecfab, Incorporated, at Beltsville, Md., to the plantsites of Concrete Plank Company, Inc., and North Arlington and Jersey City, N.J. Bert Collins, 140 Cedar Street, New York, N.Y., counsel for applicants.

No. MC-FC-68140. By order of October 7, 1965. Transfer Board approved the transfer to Lesley Estes, doing business as Estes Trucking Co., Rifle, Colo., of the operating rights in Certificate No. MC-99844 (Sub-No. 1), issued December 5, 1957, to Lesley Estes and Richard

Estes, a partnership, doing business as Estes Trucking Company, Rifle, Colo., authorizing the transportation, over irregular routes, of: General commodities, with the usual exceptions, between Rifle, Colo., and points within 20 miles thereof. John P. Thompson, 450 Capitol Life Building, Denver, Colo., 80203, attorney for applicants.

No. MC-FC-68172. By order of September 30, 1965, Transfer Board approved the transfer to G. Richard Arner, doing business as G. R. Arner, Tamaqua, Pa., of the operating rights in Certificate No. MC-112467, issued June 18, 1952, to Richard S. Ziegenfus, Palmerton, Pa., authorizing the transportation, of: Coal over irregular routes from Hazleton, Pa., points in Luzerne County within 5 miles of Hazleton, and points in Northumberland and Schuylkill Counties, Pa., to Palisades Park, Harrison, and Jersey City, N.J., and points in Mercer and Somerset Counties, N.J. Jacob Philip, 419 Delaware Avenue, Palmerton, Pa., 18071, attorney for applicants.

No. MC-FC-68180. By order of September 30, 1965, Transfer Board approved the transfer to United Freight Lines of Grand Island, Inc., Grand Island, Nebr., of the operating rights in the Certificate No. MC-59059, and those evidenced by a Certificate of Registration in No. MC-59059 (Sub-No. 4), issued September 26, 1951, and December 17, 1963, respectively, to James A. Tuma, doing business as United Freight Lines, Grand Island, Nebr., authorizing transportation under the said certificate of: General commodities, excluding household goods, commodities in bulk and other specified commodities, over regular routes, between Grand Island, Nebr., and Omaha, Nebr., between Grand Island and Beatrice, Nebr., and between Grand Island and Kearney, Nebr.; and such transportation under the said Certificate of Registration as is authorized in Certificate of Public Convenience and Necessity No. MC-7323, Supplement No. 3, dated May 6, 1952, issued by the Nebraska Railway Commission. Donald E. Leonard, Box 2028, 605 South 14th Street, Lincoln, Nebr., attorney for applicants.

No. MC-FC-68181. By order of October 7, 1965, Transfer Board approved the transfer to Paul E. Gregory and John H. Bell, a partnership, doing business as Whittington Transfer, 1225 North Queen Street, Martinsburg, W. Va., of the operating rights in Certificates Nos. MC-3322 and MC-3322 (Sub-No. 2), issued June 14, 1954, and May 28, 1954, respectively to Henry Shepperd Whittington, doing business as H. S. Whittington Transfer, 218 North High Street, Martinsburg, W. Va., authorizing the transportation, of: Household goods over irregular routes between points in Jefferson and Berkeley Counties, W. Va., on the one hand, and, on the other, points in West Virginia, Virginia, Maryland, New York, Pennsylvania, Ohio, New Jersey, Delaware, and the District of Columbia. New furniture, uncrated from Martinsburg, W. Va., to points in West Virginia, Virginia, Maryland, New York, Pennsylvania, Ohio, New Jersey, Delaware, and the District of Columbia.

No. MC-FC-68182. By order of October 7, 1965, Transfer Board approved the transfer to George C. Shoff, Beccaria, Pa., of the operating rights in Certificate No. MC-89885, issued by the Commission August 22, 1956, to Thomas Johnson and George C. Shoff, a partnership, doing business as Johnson & Shoff, Beccaria, Pa., authorizing the transportation, of: Passengers and their baggage, in the same vehicle, in round-trip charter operations; over irregular routes: Beginning and ending at Blandburg, Patton, Coalport, and Irvona, Pa., and extending to points in New York, New Jersey, Maryland, Ohio, and the District of Columbia. Mr. Harold J. Boulton, Clearfield Trust Company Building, Clearfield, Pa., attorney for applicants.

No. MC-FC-68184. By order of September 30, 1965, Transfer Board approved the transfer to Major Transport, Inc., Palmyra, Wis., of the operating rights in Certificate No. MC-56409, issued February 3, 1959, to Edward A. Lamps, Jr., doing business as Major Motor Service, Palmyra, Wis., authorizing the transportation, over irregular routes, of: Livestock, agricultural commodities, feed, fertilizer, building materials, and farm machinery and parts, between points in Jefferson, Waukesha, and Walworth Counties, Wis., on the one hand, and, on the other, points in that part of Illinois on and north of U.S. Highway 30. John T. Porter, 708 First National Bank Building, Madison, Wis., 53703, attorney for applicants.

No. MC-FC-68185. By order of October 7, 1965, Transfer Board approved the transfer to Bisom Truck Line, Inc., Newton, Iowa, of the operating rights in Certificates Nos. MC-59317, MC-59317 (Sub-No. 5) and MC-59317 (Sub-No. 6), issued December 7, 1965, December 27, 1957, and December 3, 1959, respectively, to E. C. Bisom, Newton, Iowa, authorizing the transportation, over irregular routes, of: General commodities, with the usual exceptions, and commodities of a general commodity nature, between points in Illinois, Iowa, Minnesota, Nebraska, North Dakota, South Dakota, and Wisconsin. William A. Landau, 1307 East Walnut Street, Des Moines, Iowa, 50306, practitioner for applicants.

[SEAL]

H. NEIL GARSON,  
Secretary.

[F.R. Doc. 65-10961; Filed, Oct. 13, 1965;  
8:48 a.m.]

## DEPARTMENT OF JUSTICE

Office of Alien Property

CHRISTIAN REITMEIER

### Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate

provision for taxes and conservatory expenses:

*Claimant, Claim No., Property, and Location*  
Christian Reitmeier, Schirum, Kreis Aurich, Ostfriesland, Germany; Claim No. 66336; Vesting Order Nos. 2339 and 6257; \$6,608.46 in the Treasury of the United States.

For the Attorney General.

Executed at Washington, D.C., on October 7, 1965.

[SEAL] ANTHONY L. MONDELLO,  
*Deputy Director,  
Office of Alien Property.*

[F.R. Doc. 65-10937; Filed, Oct. 13, 1965; 8:46 a.m.]

## POST OFFICE DEPARTMENT

### PHILATELIC SALES SERVICE

#### Notice of Increased Handling Charges

Earlier the Department had announced that it had determined to place a \$25 minimum on philatelic mail orders. Customer reaction indicated a preference for increased handling charges in lieu of the \$25 minimum on individual orders.

It has now been determined philatelic mail order operations will be continued as they have in the past but handling charges will be increased effective October 18, 1965.

Therefore, the Philatelic Sales Unit will continue to handle mail order requests, both large and small, and the Department will continue, as it has since 1921, to serve the best interests of philatelists.

The increased handling charges, effective October 18, 1965, are as follows:

Stamps	
1 to 500.....	\$0.50
501 to 1,500.....	1.00
1,501 to 3,000.....	1.50
3,001 to 5,000.....	2.50
5,001 to 10,000.....	3.50
10,001 to 30,000.....	6.50
30,001 to 100,000.....	16.50
Over 100,000.....	22.50

\* Plus 20 cents per 1,000 stamps over 30,000.

Also effective October 18, 1965, registered mail fees for philatelic orders will be increased from 60 cents to 75 cents to bring such fees more nearly in line with the current official rates that are based on value. Most collectors requesting registration submit orders of \$10 or more. Registration fees for these would have been rated at 75 cents or higher if mailed at a local post office. Title 39, Code of Federal Regulations 35.2(c) will be appropriately amended.

Mail orders for commemorative stamps, stamped envelopes, postal cards, and regular stamps in current supply should be sent to:

Philatelic Sales Unit,  
City Post Office,  
Washington, D.C., 20013.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501)

HARVEY H. HANNAH,  
*Acting General Counsel.*

[F.R. Doc. 65-11009; Filed, Oct. 13, 1965; 8:50 a.m.]

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### REGIONAL SUPERVISORS OF MANAGEMENT AND ENFORCEMENT

##### Delegation of Authority

Chapter 4, Part 4 of the Administrative Manual of the Bureau of Sport Fisheries and Wildlife is amended as set forth below. The purpose of these amendments is to authorize regional supervisors of management and enforcement to sign permits for the acquisition and possession of migratory birds, and to authorize the Director, Migratory Bird Populations Station to sign bird-banding permits.

1. Section 4 AM 9.E is amended to read as follows:

4.9 Wildlife matters.

E. *Wildlife research.* This authority does not include:

(1) The conduct of any wildlife research programs.

(2) Execution of foreign bird importation agreements.

(3) Authority to authorize the conduct of bird-banding operations.

2. Section 4 AM 9.G is amended to read as follows:

G. *Migratory bird and eagle permits.*

(1) *Acquisition and possession of migratory birds.*

(a) *Regional offices.* Regional directors, associate regional directors, and regional supervisors of management and enforcement, may issue permits within their respective regions pursuant to 50 CFR 16.1-16.13 for the following purposes.

3. A new section 4 AM 9.J is added to read as follows:

J. *Bird banding permits.* The Director, Migratory Bird Populations Station may sign bird banding permits in accordance with sec. 14 of the Procedure and Policy covering the issuance of migratory bird permits.

JOHN S. GOTTSCHALK,  
*Director.*

OCTOBER 8, 1965.

[F.R. Doc. 65-10943; Filed, Oct. 13, 1965; 8:47 a.m.]

### Bureau of Land Management

[Idaho 016764]

#### IDAHO

#### Notice of Proposed Withdrawal and Reservation of Lands

OCTOBER 8, 1965.

The Department of Agriculture has filed an application Serial Number Idaho

016764 for the withdrawal of the lands described below, from all forms of appropriation under the public land laws and the general mining laws. The applicant desires the land for campgrounds and recreation areas.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Post Office Box 2237, Boise, Idaho, 83701.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Department of Agriculture.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

BOISE MERIDIAN, IDAHO

SALMON NATIONAL FOREST

Proctor Creek Recreation Area

T. 23 N., R. 15 E., unsurveyed.

A tract of land which will probably be located within the SW¼, Section 12 and which is more particularly described as: Beginning at the intersection of Proctor Creek with the mean high waterline of the Salmon River on the southwest bank, said point bearing S. 50° E. and 26.4 feet from a brass cap 3" in diameter marked U.S. Department of Agriculture, Forest Service, with "P" in center and dated 1965, set in a granite boulder 4' x 4' x 4½' above ground; thence S. 28° W., 108.2 feet; thence N. 79° W., 150 feet along raised hogback ridge parallel to Proctor Creek; thence N. 40° W., 148 feet crossing Proctor Creek at 48 feet; thence N. 39° E., 288 feet along the slope; thence N. 9° E., 237 feet along the toe of the slope; thence N. 81° E., 223 feet down to the mean high waterline of the Salmon River; thence in a southeasterly and southwesterly direction following the meandering mean high waterline approximately 450 feet to the point of beginning.

Totaling 3.9 acres, more or less.

**Kitchen Creek Recreation Area**

T. 23 N., R. 15 E., unsurveyed,

A tract of land which will probably be located within the NE $\frac{1}{4}$ , Section 13 and which is more particularly described as: Beginning at a granite boulder 12' x 10' x 8' above ground at the intersection of Kitchen Creek with mean high waterline of the Salmon River on the south bank, said point bearing S. 25° E. and 98.3 feet from a brass cap being 3" in diameter marked U.S. Department of Agriculture, Forest Service, with "K" in center and dated 1965, set in a granite outcrop 10' x 4' x 4' above ground; thence N. 3° W., 132 feet along mean high waterline of Salmon River; thence N. 19° W., 264.0 feet; thence N. 30° W., 132 feet; thence N. 44° W., 205.9 feet; thence N. 62° W., 132 feet; thence N. 79° W., 118.1 feet to Douglas-fir 13" d.b.h. blazed and scribed "K-1, US;" thence S. 11° W., 139 feet along slope; thence S. 20° E., 400 feet to a rocky point; thence S. 41° E., 675 feet to southwest bank of Salmon River at mean high waterline, crossing Kitchen Creek, at 300 feet; thence N. 3° W., 287.3 feet to point of beginning.

Totaling 6.4 acres, more or less.

**Hacksaw Tom Recreation Area**

T. 23 N., R. 17 E., unsurveyed,

A tract of land which will probably be located within the SW $\frac{1}{4}$ , Section 20 and which is more particularly described as: Beginning at a Forest Service Monument being a granite boulder 7' x 5' x 4' above ground on south bank of Salmon River, marked with "X, H-1" chiseled in on the south face, said point being S. 28° W., and 429.0 feet across the Salmon River from USMM No. 2794, and bearing S. 28° E. and 44.2 feet from a 25" d.b.h. ponderosa pine on south bank of Salmon River blazed and scribed W-1 on southeast face; thence N. 85° W., 503.6 feet along toe of slope to dry gulch; thence N. 49° W., 881.8 feet to large granite boulder; thence N. 18° W., 89.1 feet; thence N. 29° W., 333.0 feet to south bank of Salmon River; thence following along the mean high waterline N. 75° E., 37.8 feet; thence N. 66° E., 194.0 feet; thence S. 80° E., 103.5 feet; thence S. 47° E., 132.0 feet; thence S. 35° E., 495.7 feet; thence S. 44° E., 565.0 feet; thence S. 54° E., 280.0 feet to point of beginning.

Totaling 10.7 acres, more or less.

**Badger Flat Recreation Area**

T. 23 N., R. 17 E., unsurveyed,

A tract of land which will probably be located within the SW $\frac{1}{4}$ , Section 20 and which is more particularly described as: Beginning at a Forest Service Monument being a brass cap 3" in diameter marked U.S. Department of Agriculture, Forest Service, with "B" in center and dated 1965, set in a schist boulder 16' x 4' x 4' above ground, said point bearing S. 74° E., and 444.3 feet from the Indian Paintings located on the north side of the Salmon River road between Ebenezer Creek and Poverty Flat; thence N. 20° W., 16.5 feet to rock cliff being west end of upper Indian Paintings; thence N. 80° E., 118.1 feet along base of cliff; thence S. 60° E., 803.9 feet along rocky hillside; thence S. 45° E., 181.5 feet, crossing dry gulch at 132 feet; thence S. 49° W., 153.1 feet along open hillside; thence S. 11° W., 219.3 feet to north edge of Salmon River road, point bearing S. 61° E. and 36.3 feet to U.S. Coast and Geodetic Survey brass cap marked "R291, 1945" set in granite boulder; thence N. 43° W., 291.7 feet along north edge of

Salmon River road to dry gulch; thence N. 35° W., 132 feet; thence N. 31° W., 225.7 feet crossing side road at 134.8 feet; thence N. 48° W., for 378.3 feet; thence N. 70° W., 106.3 feet to point of beginning.

Totaling 4.7 acres, more or less.

**Foot Bridge Flat Recreation Area**

T. 23 N., R. 17 E., unsurveyed,

A tract of land which will probably be located within the NE $\frac{1}{4}$ , Section 14 and which is more particularly described as: Beginning at a granite outcrop 15' x 4' x 5' above ground marked with "X" chiseled in on the north face, said point being S. 71° W. and approximately 1,056 feet from the southwest corner of the Cove Creek Bridge (beginning point also witnessed by a 15" d.b.h. ponderosa pine blazed and scribed facing outcrop "CC, 1" bearing S. 36° E. and 15.8 feet to point); thence N. 54° W., 222.4 feet along slope; thence N. 59° W., 221.8 feet; thence N. 32° W., 120.8 feet; thence N. 37° E., 163.7 feet to south bank of Salmon River; thence S. 56° E., 353.8 feet along mean high waterline of the Salmon River; thence S. 80° E., 617.8 feet; thence S. 15° E., 80.5 feet to open hillside crossing access road at 66 feet; thence S. 81° W., 590.1 feet to point of beginning.

Totaling 4.5 acres, more or less.

**SAWTOOTH NATIONAL FOREST****Lightfoot Bar Recreation Area**

T. 3 N., R. 13 E.,

Sec. 7, SE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$  and E $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ ; Sec. 18, N $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ .

Totaling 80 acres.

The areas described aggregate 110.2 acres, more or less, in Camas, Idaho, and Lemhi Counties, Idaho.

ORVAL G. HADLEY,  
Manager, Land Office.

[F.R. Doc. -65-10957; Filed, Oct. 13, 1965;  
8:48 a.m.]

**Office of the Secretary****CHARLES M. CUSTER****Statement of Changes in Financial Interests**

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

- (1) No change.
- (2) No change.
- (3) No change.
- (4) No change.

This statement is made as of September 1, 1965.

Dated: September 29, 1965.

CHARLES M. CUSTER.

[F.R. Doc. 65-10944; Filed, Oct. 13, 1965;  
8:47 a.m.]

**JOHN W. HIERONYMUS****Statement of Changes in Financial Interests**

In accordance with the requirements of section 710(b) (6) of the Defense Pro-

duction Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

- (1) No change.
- (2) (Add): Bank of Naperville (Illinois); Investors Unlimited, Inc.
- (3) No change.
- (4) No change.

This statement is made as of October 4, 1965.

Dated: October 4, 1965.

JOHN W. HIERONYMUS.

[F.R. Doc. 65-10945; Filed, Oct. 13, 1965;  
8:47 a.m.]

**HOMER G. KEESLING****Statement of Changes in Financial Interests**

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

- (1) No change.
- (2) Abacus Fund (Retained); Adams-Mills Corp. (Retained); California Packing Corp. (Retained); Pacific Gas and Electric Co. (Pension).
- (3) No change.
- (4) No change.

This statement is made as of September 28, 1965.

Dated: September 28, 1965.

HOMER G. KEESLING.

[F.R. Doc. 65-10946; Filed, Oct. 13, 1965;  
8:47 a.m.]

**GEORGE A. PORTER****Statement of Changes in Financial Interests**

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

- (1) No change.
- (2) Additions: 60 shares Federal-Mogul-Bower Bearings, Inc. (common stock); 50 shares Reynolds Metals Co. (common stock); 100 shares Westinghouse Electric Corp. (common stock). Deletion: 102 shares Marathon Oil Co. (common stock).
- (3) No change.
- (4) No change.

This statement is made as of October 1, 1965.

Dated: October 1, 1965.

GEORGE A. PORTER.

[F.R. Doc. 65-10947; Filed, Oct. 13, 1965;  
8:47 a.m.]

**EDWARD W. WELCH****Statement of Changes in Financial Interests**

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

- (1) Entire financial assets consist of: U.S. Government bonds E, H, and K; U.S. Treasury notes; bank deposit certificates in four local banks; bank savings account and checking account; also, my homestead, located in City of Janesville, Wis. (unincumbered).
- (2) Deletions: None.
- (3) Addition: Purchased some deposit certificates in local bank (FDIC insured).
- (4) None.

This statement is made as of 1st day of October 1965 at City of Janesville, Rock County, Wisconsin.

Dated: October 1, 1965.

E. W. WELCH.

[F.R. Doc. 65-10948; Filed, Oct. 13, 1965; 8:47 a.m.]

**DEPARTMENT OF AGRICULTURE****Commodity Credit Corporation****GRAINS AND SIMILARLY HANDLED COMMODITIES****Notice of Final Date for Redemption of Warehouse-Storage Loans Made Under 1964 Price Support Programs**

The notice as published in the FEDERAL REGISTER (30 F.R. 848) setting forth the final date for repayment of warehouse-storage loans made on grains and similarly handled commodities under 1964 price support programs is hereby amended by changing the entry for tung oil to read as follows:

Maturity date: December 31, 1965.<sup>1</sup>

Final date for repayment: December 31, 1965.

(Secs. 4 and 5, 62 Stat. 1070, as amended; secs. 101, 105, 107, 301, 401, 405, 63 Stat. 1051, as amended; 15 U.S.C. 714 b and c; 7 U.S.C. 1441, 1447, 1421, 1425)

**Effective date.** Upon filing with the Office of the Federal Register for publication.

Signed at Washington, D.C., October 11, 1965.

H. D. GODFREY,  
Executive Vice President,  
Commodity Credit Corporation.

[F.R. Doc. 65-10970; Filed, Oct. 13, 1965; 8:49 a.m.]

<sup>1</sup> If a producer has entered into a written agreement with CCC on Form CCC-678-4 by Dec. 31, 1965, the loan shall be extended but shall remain payable on demand; the loan collateral tung oil may be placed in a loan pool by CCC after Dec. 31, 1965, and may not be redeemed by the producer after it has been placed in the pool.

**DEPARTMENT OF COMMERCE****Maritime Administration****ALASKA STEAMSHIP CO.****Notice of Tentative Findings Justifying Continuance of Bareboat Charters Covering 3 C1-M-AV1 Type Government-Owned Vessels**

Notice is hereby given that the Maritime Administrator has tentatively found, in accordance with section 5(e) (1), Merchant Ship Sales Act of 1946, as amended, that conditions exist justifying the continuance of the bareboat charters covering the Government-owned C1-M-AV1 type vessels "Coastal Monarch," "Coastal Nomad," and "Coastal Rambler" presently under charter to Alaska Steamship Co., which were due for annual review on or about November 1, 1965.

Any interested person may request a hearing with respect to the Administrator's findings by filing written objections, in triplicate, stating the reasons therefor, with the Secretary, Maritime Administration, Washington, D.C. 20235, by close of business on October 25, 1965.

The findings will become final if no objection thereto or no request for a hearing is received.

Dated: October 1, 1965.

By order of the Maritime Administrator.

JAMES S. DAWSON, Jr.,  
Secretary.

[F.R. Doc. 65-10980; Filed, Oct. 13, 1965; 8:50 a.m.]

**Office of the Secretary**

[Department Order 2-B]

**ENVIRONMENTAL SCIENCE SERVICES ADMINISTRATION****Organization and Assignment of Functions**

**SECTION 1 Purpose.** The purpose of this order is to prescribe the organization and assignment of functions within the Environmental Science Services Administration, and effect the transfer of the Central Radio Propagation Laboratory of the National Bureau of Standards to ESSA.

**SEC. 2 Administrator of the Environmental Science Services Administration.** The Administrator develops the objectives of the Administration, formulates policies and programs for achieving those objectives and directs execution of these programs. He is assisted by the Deputy Administrator. Liaison activities with Congress are centered in the Office of the Administrator.

**SEC. 3 Environmental Data Service.<sup>1</sup>** The Environmental Data Service collects, processes, archives, publishes, dis-

<sup>1</sup> Constitutes a principal constituent organizational entity of the Administration within the meaning of Reorganization Plan No. 2 of 1965.

seminates and recalls world-wide environmental data for use by commerce, industry, the scientific and engineering community, and the general public; guides research activities pertinent to the improvement of such services; and coordinates international activities in climatological and geophysical data problems with the world scientific organizations. In support of the above objectives, the Environmental Data Service maintains environmental data centers such as the National Weather Records Center (Ashville, N.C.), the Aeronomy and Space Data Center and the geophysical data centers.

.01 The Office of Environmental Data Systems processes, stores, and retrieves environmental data; develops new techniques of summarization and presentation of data in order to provide service to the user; provides ready access to environmental data and aids in their application to numerous fields of endeavor; and provides facilities for the world data centers under international auspices.

.02 The Office of Field Services exercises functional management over field staffs in the acquisition of climatological data to meet international, national, state and municipal requirements; and ensures field outlets for the dissemination of environmental data and appropriate cooperation with local authorities.

.03 The Laboratory for Environmental Data Research develops the analysis, processing, and interpretation of geophysical and climatological data through research activities; and anticipates needs for climatological and geophysical data for design and risk assessment and stimulates original work to meet these needs.

.04 The Office of Data Information ensures proper dissemination of environmental data information to the user public and scientific community from centralized data information sources.

**Sec. 4 Weather Bureau.<sup>1</sup>** The Weather Bureau provides the national weather service, observing and reporting the weather of the United States and its possessions and issuing forecasts and warnings of weather and flood conditions that affect the Nation's safety, welfare and economy; develops the National Meteorological Service System; participates in international meteorological and hydrological activities, including exchanges of meteorological data and forecasts; and provides forecasts for domestic and international aviation and for shipping on the high seas. In support of the above objectives the Weather Bureau operates through its Regions a national network of field offices and forecast centers.

.01 The Office of Meteorological Operations observes and prepares and distributes forecasts of weather conditions and warnings of severe storms and other adverse weather conditions for protection of life and property; establishes policies and develops plans and procedures for operation of meteorological services and is the primary channel

for coordination of all Weather Bureau field service operations.

.02 The *Office of Hydrology* provides the Nation with river and flood forecasts and warnings and water supply forecasts; conducts the necessary research to improve river and flood forecasts and warnings; and analyzes and processes hydrometeorological data for broad application to water resource planning, design and operational problems.

.03 The *National Meteorological Center* provides analyses of current weather conditions over the globe and depicts the current and anticipated state of the atmosphere for general national and international uses; conducts development programs in numerical weather prediction; and leads in the extension and application of advanced techniques.

.04 The *Office of Systems Development* manages, plans, designs and develops a system to meet all meteorological service requirements; develops, tests and evaluates techniques and equipment; translates research results into operational practices; and conducts studies associated with the design of the World Weather Watch.

.05 The *Executive and Technical Services Staff* provides executive assistance to the Director and technical services, e.g., facilities, maintenance, computers, etc., in support of programs through the Bureau.

.06 A *Region* provides weather service within its prescribed geographical area by issuing forecasts and warnings of weather and flood conditions; manages all operational and scientific meteorological and hydrological programs assigned to it; and conducts technical and administrative support functions.

a. A Region consists of a headquarters office, is managed by a Regional Director, and contains field offices and forecast centers reporting to the Regional Director.

b. Regions provide technical and administrative support for all components of ESSA in the respective areas of the Regions, except as may otherwise be provided because of special circumstances applicable to some field component.

c. The field structure consists of six Regions as shown in Exhibit 2.<sup>2</sup>

**SEC. 5 *Institutes for Environmental Research.***<sup>1</sup> The Institutes for Environmental Research conducts an integrated research program relating to the oceans and inland waters, the lower and upper atmosphere, the space environment, and the earth to increase understanding of man's geophysical environment in order to provide more useful services; and conducts propagation research and services in support of the Nation's telecommunication activities. Each Institute operates certain observatories and laboratories in the field where necessary to observe environmental phenomena.

<sup>1</sup> Constitutes a principal constituent organizational entity of the Administration within the meaning of Reorganization Plan No. 2 of 1965.

<sup>2</sup> Not filed with the Office of the Federal Register.

.01 The *Institute for Earth Sciences* conducts advanced and exploratory research and applied research in geomagnetism, seismology, geodesy and related earth sciences; contributes the benefits of this knowledge to furthering of man's welfare; and works in close contact with the other institutes for environmental research.

.02 The *Institute for Oceanography* provides increased knowledge and better understanding of the ocean and its influences on or interactions with the total physical environment of the globe as required to improve marine resources and services; and works closely with the other institutes for environmental research.

.03 The *Institute for Atmospheric Sciences* develops a fuller physical understanding of atmospheric processes and phenomena as required for improving weather forecasts and related services and for modifying and controlling the weather; and works closely with the other institutes for environmental research.

.04 The *Institute for Telecommunications Sciences and Aeronomy* enhances the telecommunication and space capabilities of the Nation by conducting research in aeronomy and space environment disturbances; by serving as the central Federal agency for research and service in the field of electromagnetic telecommunications; and works closely with the other institutes for environmental research.

.05 The *Office of Administrative and Support Services* provides assigned administrative and support services required by the Institutes for Environmental Research at its headquarters location (Boulder, Colo.), and at other locations to the extent it is determined that such services cannot be provided more efficiently by Regions of the Weather Bureau or by the Office of Administration of ESSA. The Office of Administrative and Support Services shall be responsible for providing services to, and coordinating services received from the National Bureau of Standards in the Boulder, Colorado, area, in accordance with section 11.02.

**SEC. 6 *Coast and Geodetic Survey.***<sup>1</sup> The Coast and Geodetic Survey provides charts for the safety of marine and air navigation; provides a basic network of geodetic control; provides basic data for engineering, scientific, commercial, industrial, and defense needs; and supports the quest for more fundamental knowledge of our geophysical environment. In performance of these functions it conducts surveys, investigations, analyses, research, and disseminates data in the following fields: hydrography, oceanography, geodesy, cartography, photogrammetry, geomagnetism, seismology, gravity, and astronomy. In support of the above objectives the Coast and Geodetic Survey maintains certain field installations and through its Field Directors directs mobile parties and field offices.

.01 The *Office of Geodesy and Photogrammetry* fulfills national requirements

for a system of basic geodetic control and for precise gravimetric, and global configuration and mensuration data. In accomplishment of this it establishes and maintains a geodetic control network throughout the United States and a world-wide geometric network based on satellite observations; plans and directs geodetic, gravity, astronomic, earth movement, and photogrammetric surveys; and conducts related research in support of ESSA programs.

.02 The *Office of Seismology and Geomagnetism* supports the quest for a better understanding of seismic and geomagnetic phenomena and their relation to the state and structure of the earth; and fulfills national requirements for standardized seismic and geomagnetic data. In the accomplishment of this it collects, analyzes, and compiles data on a national and world-wide basis; maintains liaison with geophysicists throughout the world; and conducts related research in support of ESSA programs.

.03 The *Office of Hydrography and Oceanography* contributes to the safety of marine navigation through nautical charting; supports the quest for more knowledge about the states and processes of the ocean. In the accomplishment of this it plans and directs hydrographic and oceanographic surveys (including current surveys) and operates a network of tide stations; processes, analyzes, and compiles the survey data including the compilation of nautical charts for end use and dissemination; and conducts related research in support of ESSA programs.

.04 The *Office of Aeronautical Charting and Cartography* contributes to the safe navigation of air commerce and provides nautical and aeronautical charts for widespread use. To accomplish this it collects and evaluates air navigation information and compiles aeronautical chart manuscripts; prints and distributes nautical and aeronautical charts; maintains liaison with interests concerned with navigation regulations and information; and conducts research in support of these programs.

.05 The *Executive and Technical Services Staff* provides executive assistance to the Director and technical services in support of programs throughout the Coast and Geodetic Survey.

.06 The *Field Structure* consists of the various organizational elements, as enumerated below. The location of the principal field elements are shown in Exhibit 2.<sup>2</sup>

a. The Atlantic and Pacific Marine Centers, the heads of which report to the Director, Coast and Geodetic Survey.

b. Five Field Directors who report to the Director, Coast and Geodetic Survey and are responsible for managing mobile parties and chart information and distribution field offices.

c. Observatories, seismology centers, and tsunami centers which report to the appropriate program components at the headquarters of Coast and Geodetic Survey.

**SEC. 7 *National Environmental Satellite Center.***<sup>1</sup> The National Environ-



mental Satellite Center provides observations of the environment by means of satellites; increases the utilization of satellite data in the environmental sciences; establishes and operates a national environmental satellite system; manages and coordinates all operational satellite programs within ESSA and certain research-oriented satellite programs; conducts satellite systems engineering and research; and coordinates satellite activities with NASA and DOD. The National Environmental Satellite Center operates certain field installations such as Command and Data Acquisition Stations at locations required by the satellite system.

.01 The *Office of Operations* provides data from environmental satellites and increases the value and the use of these data; operates the environmental satellite systems; collects, processes and analyzes data from operational and specified research and development satellites; develops new and improved applications of satellite data; and maintains close relations with prime users of satellite data within ESSA and externally with NASA and DOD.

.02 The *Office of System Engineering* provides the planning, design, and engineering necessary to fulfill ESSA's requirements for environmental satellite systems; conducts systems design and analysis; explores possible multipurpose uses of environmental satellite systems; performs the engineering required to implement new or modified satellite systems; and maintains close relations with NASA and DOD.

.03 The *Office of Research* improves understanding of the environment through satellite data and provides new and improved satellite measurement techniques and applications; and maintains close relations within ESSA, particularly with the Institutes for Environmental Research.

SEC. 8. *General Staff Offices.* .01 The *Office of Science and Engineering* coordinates, synthesizes, and evaluates ESSA's total science and engineering programs; and provides a focal point for Administration-wide information and recommendations on science and engineering in ESSA.

.02 The *Office of Planning and Program Evaluation* coordinates, synthesizes and evaluates ESSA program plans and provides a focal point for Administration-wide planning information and planning processes; and provides staff support to the Administrator in ESSA-wide policy, program requirements and long-range organizational and strategic planning through development and application of managerial and analytical techniques including benefit/cost determinations.

.03 The *Office of Administration* provides a full range of service, advice and guidance in administrative management matters throughout the Administration, including the development and application of policies, standards and procedures pertaining thereto and the exercise of functional management over the performance of administrative management functions performed elsewhere in ESSA;

maintains liaison with the Bureau of the Budget, Civil Service Commission, General Accounting Office, and General Services Administration.

a. The *Administrative Operations Division* provides services throughout the Administration consisting of property, procurement and supply management; space and facilities management; travel and transportation services; mail and messenger services, and related office services; printing and graphics services; safety; security; and emergency planning.

b. The *Budget and Finance Division* provides staff assistance in formulating and executing the Administration's budget; provides financial services; develops and coordinates information necessary to formulate and execute the budget; maintains and processes records and accounts reflecting fund status, payment obligations and program expenditures; maintains relations with Bureau of the Budget, legislative staffs, and the General Accounting Office in these matters.

c. The *Financial Management Systems Staff* provides advice and assistance in all aspects of financial management throughout the Administration by undertaking studies, analyzing requirements, and recommending financial techniques, reporting methods, and accounting policies.

d. The *Management and Organization Division* provides management analysis and related staff services throughout the Administration by conducting or participating in surveys, studies, and analyses designed to improve organization management systems, and procedures; participates in organization planning and documentation; maintains a system of position control; develops systems for measuring production and performance efficiency; maintains directives and other paperwork management systems; and coordinates planning and development of ADP applications in the administrative management area.

e. The *Personnel Division* provides personnel management services throughout the Administration by conducting recruitment, employment, classification and compensation, employee relations, labor relations, incentive awards, and career development activities for civil service and commissioned personnel; and maintains liaison with the Civil Service Commission and deals with labor organizations on agreements.

SEC. 9 *Special Staff Offices.* .01 The *Office of International Affairs* formulates and coordinates policies, plans and procedures for U.S. participation in international activities in the environmental sciences; manages and coordinates ESSA's international training program; and advises on special programs for bilateral cooperation with foreign countries in the environmental sciences, including U.S. AID programs and PL-480 programs.

.02 The *Office of Public Information* plans and conducts an information program for the Administration which pre-

sents ESSA accomplishments and activities to the public, Congress, environmental data user groups, and Administration employees; coordinates public information activities within the Administration; and maintains close contact with communications media.

.03 The *Management Information Center* provides a broad view of ESSA program performance status to facilitate managerial decisions; and is the principal center for management information, developing and operating a system of resource status and program accomplishment reporting.

.04 The *Office of User Affairs* provides leadership in identifying and proposing means for improved services to users, other than aviation services; maintains continuing liaison with such user groups; and operates the Environmental Hazards Warning Information Center.

.05 The *Office of Aviation Affairs* coordinates aviation user requirements, balancing them against available resources; establishes objectives and recommends policies for aviation services; serves as aviation services adviser to the Administrator and his senior line managers; and advises the Administrator, FAA, on ESSA aviation service programs.

.06 The *Internal Audits Staff* assists the Administrator and other officials by performing comprehensive audits of operating and administrative programs to determine whether these programs are being carried out effectively, efficiently, and economically and in accordance with laws and established administrative policies and procedures; and by auditing selected procurement and other contracts and carrying out other external audit responsibilities as required.

SEC. 10 *Special offices.* The following offices perform special departmental responsibilities assigned to the Administration:

.01 The *Office of the Federal Coordinator for Meteorological Services and Supporting Research* coordinates Federal meteorological activities and prepares plans for the efficient utilization of Federal meteorological services and supporting research; and maintains relations with all Federal agencies engaged in meteorological operations and supporting research.

.02 The *Office of Radio Frequency Management* provides policy guidance and technical and administrative support in the determination of requirements and the management and use of radio frequencies assigned to the Department of Commerce.

SEC. 11. *Transfer of the Central Radio Propagation Laboratory.* .01 As provided by Department Order 2-A of July 13, 1965, the transfer to ESSA of the Central Radio Propagation Laboratory of the National Bureau of Standards, together with its personnel, funds, records and property, shall be effective October 11, 1965. Upon the effective date of its transfer, the Central Radio Propagation Laboratory is redesignated



the Institute for Telecommunications Sciences and Aeronomy.

02 Upon approval by the Assistant Secretary for Administration, with the concurrence of the Assistant Secretary for Science and Technology, of arrangements between ESSA and the National Bureau of Standards for providing administrative and other support services to their respective components located in the Boulder, Colo., area, which arrangements shall provide for inter-bureau serving wherever practicable, personnel of the National Bureau of Standards performing the administrative and other support functions at Boulder, Colo., that are to be assumed by ESSA shall be transferred from the National Bureau of Standards to ESSA.

Effective date: October 1, 1965.

DAVID R. BALDWIN,  
Assistant Secretary  
for Administration.

[F.R. Doc. 65-11002; Filed, Oct. 13, 1965;  
8:50 a.m.]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

AMDAL CO.

### Notice of Filing of Petition for Food Additive Spectinomycin

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b) (5), 72 Stat. 1786; 21 U.S.C. 348(b) (5)), notice is given that a petition (FAP 6D1842) has been filed by Amdal Co., Agricultural Division, Abbott Laboratories, North Chicago, Ill., 60064, proposing the issuance of a regulation to provide for the safe use of spectinomycin for the oral treatment of infectious diarrhea (scours) in baby pigs, at a level of 50 milligrams for animals up to 15 pounds of body weight and 100 milligrams for animals over 15 pounds of body weight. The drug is not to be administered within 21 days of slaughter.

Dated: October 7, 1965.

MALCOLM R. STEPHENS,  
Assistant Commissioner  
for Regulations.

[F.R. Doc. 65-10963; Filed, Oct. 13, 1965;  
8:49 a.m.]

### AMERICAN CYANAMID CO.

### Notice of Filing of Petition for Food Additive Sulfaethoxypyridazine

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b) (5), 72 Stat. 1786; 21 U.S.C. 348(b) (5)), notice is given that a petition (FAP 6D1832) has been filed by American Cyanamid Co., Post Office Box 400, Princeton, N.J., 08540, proposing the issuance of a regulation to provide for the safe use of sulfaethoxypyridazine for the

treatment of coryza (*Hemophilus gallinarum*), cholera (*Pasteurellas*), and fowl typhoid (*Salmonella gallinarum*) in chickens, as follows:

1. In drinking water at a level of 0.04 percent for the first 2 days followed by 0.02 percent for the next 2 days but no longer than 8 days. Not to be administered to laying birds. Treated birds are not to be slaughtered for food during treatment and for 10 days following the last treatment.

2. In feed at a level of 0.05 percent to be fed from 1 to 10 days depending on severity of infection. Not to be administered to laying birds. Treated birds are not to be slaughtered for food during treatment and for 10 days following the last treatment.

Dated: October 7, 1965.

MALCOLM R. STEPHENS,  
Assistant Commissioner  
for Regulations.

[F.R. Doc. 65-10964; Filed, Oct. 13, 1965;  
8:49 a.m.]

### CORVEL, INC.

### Notice of Filing of Petition for Food Additives Dihydrostreptomycin and Tylosin

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b) (5), 72 Stat. 1786; 21 U.S.C. 348(b) (5)), notice is given that a petition (FAP 5C1564) has been filed by Corvel, Inc., Subsidiary of Eli Lilly and Co., 1124 Harney Street, Omaha, Nebr., 68102, proposing an amendment to § 121.217 of the food additive regulations to provide for the safe use of boluses for the treatment of infectious enteritis (scours) in calves. Each bolus contains tylosin (as the base) 250 milligrams and dihydrostreptomycin (as the sulfate) 500 milligrams. One bolus is administered for each 50 pounds of body weight. Treated animals are not to be slaughtered for food for 14 days following the last treatment.

Dated: October 7, 1965.

MALCOLM R. STEPHENS,  
Assistant Commissioner  
for Regulations.

[F.R. Doc. 65-10965; Filed, Oct. 13, 1965;  
8:49 a.m.]

### DOW CORNING CORP.

### Notice of Filing of Petition for Food Additive Stannous Oleate

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b) (5), 72 Stat. 1786; 21 U.S.C. 348(b) (5)), notice is given that a petition (FAP 6B1861) has been filed by Dow Corning Corp., Midland, Mich., 48641, proposing an amendment to § 121.2562 of the food additive regulations to provide for the use of stannous oleate as an accelerator for the vulcanization of rubber articles intended for repeated use in contact with food.

Dated: October 7, 1965.

MALCOLM R. STEPHENS,  
Assistant Commissioner  
for Regulations.

[F.R. Doc. 65-10966; Filed, Oct. 13, 1965;  
8:49 a.m.]

### VICTOR CHEMICAL DIVISION, STAUFFER CHEMICAL CO.

### Notice of Withdrawal of Petition for Food Additive Sodium Tripolyphosphate

#### Correction

In F.R. Doc. 65-10835, appearing at page 12938 of the issue for Tuesday, October 12, 1965, the date "1964" in the last paragraph should read "1965".

## CIVIL AERONAUTICS BOARD

[Docket No. 16236; Order E-22755]

### INTERNATIONAL AIR TRANSPORT ASSOCIATION

### Order Relating to Specific Commodity Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 11th day of October 1965.

An agreement has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Joint Conferences 1-2, 3-1, and 1-2-3 of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

The agreement, adopted pursuant to unprotested notices to the carriers and promulgated in IATA letters dated September 20 and 27, 1965, as set forth in the attachment hereto<sup>1</sup> (1) names rates under new commodity descriptions, (2) names additional specific commodity rates for an existing commodity description, and (3) reduces a rate under an existing commodity description. Further, the agreement revises the commodity description for Item 4204 (IATA letter dated Sept. 27, 1965) applicable to Joint Conference 1-2 to read as follows:

Parts of agricultural machines; parts of automobiles, motorscooters, motorcycles and bicycles, and articles thereof consisting of: lamp shields, horns, sirens, visors, spot-lamps, flashing lights, wheel caps, mirrors, ashtrays, floor mats, steering wheel covers, instrument sets, jacks, windshield washers, air conditioners, seat belts, seat covers, snow chains and tire studs, petrol caps, bumper guards, luggage and ski racks, back rests, baby seats, head cushions, automobile lighters, wind deflectors.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not

<sup>1</sup> Agreement filed as part of original document.

find the subject agreement to be adverse to the public interest or in violation of the Act, provided that approval thereof is conditioned as hereinafter ordered.

*Accordingly, it is ordered:*

That Agreement C.A.B. 18169, R-26 and R-27, be approved, provided that such approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

Any air carrier party to the agreement, or any interested person, may, within 15 days from the date of service of this order, submit statements in writing containing reasons deemed appropriate, together with supporting data, in support of or in opposition to the Board's action herein. An original and nineteen copies of the statements should be filed with the Board's Docket Section. The Board may, upon consideration of any such statements filed, modify or rescind its action herein by a subsequent order.

This order will be published in the **FEDERAL REGISTER**.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,  
Secretary.

[F.R. Doc. 65-10971; Filed, Oct. 13, 1965;  
8:49 a.m.]

## FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 16033, 16034; FCC 65M-1312]

### EASTERN LONG ISLAND BROADCASTERS, INC., AND REUNION BROADCASTING CORP.

#### Order Continuing Hearing

In re applications of Eastern Long Island Broadcasters, Inc., Sag Harbor, N.Y., Docket No. 16033, File No. BPH-4321; Reunion Broadcasting Corp., East Hampton, N.Y., Docket No. 16034, File No. BPH-4460; for construction permits.

The Hearing Examiner having under consideration a petition filed on October 8, 1965, by Reunion Broadcasting Corp., requesting that the evidentiary hearing in the above-entitled proceeding, presently scheduled to commence on October 11, 1965, be continued to November 3, 1965; and

It appearing, That additional time is necessary for Reunion to prepare its exhibits and present evidence at the hearing on the financial issue added by the Review Board in its Memorandum Opinion and Order, released September 24, 1965; and

It further appearing, That counsel for the other applicant and counsel for the Broadcast Bureau have informally agreed to a waiver of the 4-day rule for consideration of the instant pleading and have consented to the requested extension of time;

*It is, therefore, ordered,* This 8th day of October 1965, that the petition be and

it is hereby granted; and the evidentiary hearing in the above-styled proceeding now scheduled for October 11, 1965, be and the same is hereby continued to November 3, 1965, at 10 a.m., in the offices of the Commission in Washington, D.C.

Released: October 8, 1965.

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] BEN F. WAPLE,  
Secretary.

[F.R. Doc. 65-10975; Filed, Oct. 13, 1965;  
8:50 a.m.]

[Docket No. 16214; FCC 65M-1310]

### McLENDON PACIFIC CORP.

#### Order Continuing Hearing

In the matter of liability of McLendon Pacific Corp., licensee of station KABL, Oakland, Calif., for forfeiture; Docket No. 16214.

*It is ordered,* This 8th day of October 1965, that the hearing in the above-entitled proceeding is continued from November 2, 1965, to November 16, 1965, and will be held in Oakland, Calif.: *And, it is further ordered,* That a prehearing conference in the proceeding will be convened in Oakland, Calif., on November 15, 1965.

Released: October 8, 1965.

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] BEN F. WAPLE,  
Secretary.

[F.R. Doc. 65-10976; Filed, Oct. 13, 1965;  
8:50 a.m.]

[Docket No. 16128; FCC 65M-1313]

### ULTRONIC SYSTEMS CORP. AND WESTERN UNION TELEGRAPH CO.

#### Order Continuing Prehearing Conference

In the matter of Ultronic Systems Corp., complainant, vs. The Western Union Telegraph Co., defendant; Docket No. 16128.

The Hearing Examiner having for consideration the informal request of Ultronic Systems Corp. for a continuance of the prehearing conference now scheduled for October 11, 1965, together with the statement of Ultronic's counsel that counsel for all other parties have consented to a grant of the requested relief;

It appearing, that the parties may have reached an agreement which will obviate the necessity for hearing, and that a brief continuance is appropriate to afford time to resolve details and prepare pleadings;

*It is ordered,* This 8th day of October 1965, that the prehearing conference now scheduled for October 11, 1965, is continued to October 15, 1965, commencing at 10 a.m. in the offices of the Commission at Washington, D.C.

Released: October 11, 1965.

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] BEN F. WAPLE,  
Secretary.

[F.R. Doc. 65-10977; Filed, Oct. 13, 1965;  
8:50 a.m.]

## FEDERAL MARITIME COMMISSION

### TRANS-PACIFIC FREIGHT CONFERENCE

#### Notice of Petition Filed for Approval

Notice is hereby given that the following petition has been filed with the Commission for approval pursuant to section 14b of the Shipping Act, 1916, as amended (75 Stat. 762, 46 U.S.C. 814).

Interested parties may inspect a copy of the current contract form and of the petition, reflecting the changes proposed to be made in the language of said contract, at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to the proposed changes and the petition, including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 10 days after publication of this notice in the **FEDERAL REGISTER**. A copy of any such statement should also be forwarded to the party filing the petition (as indicated herein-after), and the comments should indicate that this has been done.

Notice of intent to modify approved form of merchants (dual rate) contract submitted by:

Mr. D. Parker, Chairman/Secretary  
Trans-Pacific Freight Conference of Hong  
Kong  
P & O Building, 17th Floor  
Des Voeux Road Central  
Hong Kong, B.C.C.

Interested parties are hereby notified that the member lines of the Trans-Pacific Freight Conference of Hong Kong, Agreement No. 14-1, as amended, have notified this Commission of their intention to have Thailand deleted from their approved form of merchants (dual rate) contract concurrent with approval of Agreement 14-23 which would remove Thailand from the Conference's jurisdiction if and when such jurisdiction is vested in a separate Thailand/Pacific Coast Conference presently under consideration as Agreement 9474.

Comments with reference to this modification of merchants (dual rate) contract including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 10 days after publication of this notice in the **FEDERAL REGISTER**. A copy of any such statement should also be forwarded to the party filing the modification (as indi-

cated hereinabove) and the comments should indicate that this has been done.

Dated: October 11, 1965.

By order of the Federal Maritime Commission.

THOMAS LIST,  
Secretary.

[F.R. Doc. 65-10967; Filed, Oct. 13, 1965;  
8:49 a.m.]

# STATES STEAMSHIP CO. AND INDO-CHINA STEAM NAVIGATION CO., LTD.

## Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763; 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. E. N. Bowen  
States Steamship Co.  
320 California Street  
San Francisco, Calif. 94104

Agreement 9488, between States Steamship Co. and The Indo-China Steam Navigation Co., Ltd., covers a through billing arrangement for the movement of cargo from ports on the East Coast of India, East Pakistan, Burma and Ceylon to ports in California, Oregon, Washington, and Hawaii, U.S.A., with transshipment at Hong Kong or Japan. Notice of the filing of Agreement 9488 was originally published in the FEDERAL REGISTER on August 28, 1965, but the agreement has been refiled, (1) to reflect certain changes made in the trade area to be served by the parties thereto, (2) to provide for the establishment and filing by the parties of joint through rates in accordance with the provisions of section 18(b) of the Shipping Act, 1916, as amended, and (3) to provide that the agreement and/or any modification thereto shall not be effective or implemented prior to approval by the Federal Maritime Commission.

Dated: October 11, 1965.

By order of the Federal Maritime Commission.

THOMAS LIST,  
Secretary.

[F.R. Doc. 65-10968; Filed, Oct. 13, 1965;  
8:49 a.m.]

# SOUTH LOUISIANA PORT COMMISSION AND BAYSIDE WAREHOUSE CO.

## Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

McDonald & Buchler  
3014 Metairie Road  
Post Office Box B  
Metairie, La., 70005

Agreement No. T-1839, between the South Louisiana Port Commission (Port) and the Bayside Warehouse Co. (Company) provides for the lease of a public grain terminal facility at Southport, La. The agreement provides that Company shall have the exclusive right to operate the facility for storing and shipping grain; and shall also have the first right to lease additional facilities from the Port. Company agrees to publish rates and charges for the handling and storage of grain at the leased premises and to give preference to the leased premises over other grain elevators operated by it in the Gulf area. Port has the exclusive right to assess dockage and port fees against vessels using the leased facility; provided that such rates shall not at any time exceed those charged at competing facilities located at New Orleans or Baton Rouge. The agreement also specifies that the dockage and port fees shall be collected by Company and split on a 75-25 percent basis with the Port. As compensation for the lease

Company agrees to pay a fixed annual rental as specified in the agreement.

Dated: October 8, 1965.

By order of the Federal Maritime Commission.

THOMAS LIST,  
Secretary.

[F.R. Doc. 65-10969; Filed, Oct. 13, 1965;  
8:49 a.m.]

# FEDERAL POWER COMMISSION

[Docket No. CP66-84]

## ATLANTA GAS LIGHT CO. AND SOUTH GEORGIA NATURAL GAS CO.

### Notice of Application

OCTOBER 6, 1965.

Take notice that on September 27, 1965, Atlanta Gas Light Co. (Applicant), Post Office Box 4569, Atlanta, Ga., 30302, filed in Docket No. CP66-84 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing South Georgia Natural Gas Co. (Respondent) to establish physical connection of its natural gas transmission facilities with the distribution facilities to be installed by Applicant in the city of Hahira, Ga., and its environs, and to sell natural gas to Applicant for resale through such distribution facilities to the public within said city and its environs, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant seeks to obtain a supply of natural gas from Respondent in order to enable it to render gas distribution service in the city of Hahira, Ga., and its environs, through a distribution system which Applicant proposes to construct. Applicant states that the city of Hahira, Ga., is located in Lowndes County in the southern part of the State, approximately 7 miles north of Valdosta, Ga., and that its population is estimated to be 1,297. Applicant further states that although the connection sought by the instant application would be an initial connection, Applicant's distribution system at Valdosta is presently connected to Respondent's transmission system.

The total estimated volumes of natural gas necessary to meet Applicant's annual and peak day requirements for the initial three year period of proposed operations are stated to be:

	First year	Second year	Third year
Annual (McF).....	27,075	34,494	40,020
Peak day (McF).....	511	618	681

Applicant proposes to start construction on the distribution system for the city of Hahira on or about January 1, 1966, and estimates that such construction would be completed on or about

March 30, 1966. Applicant proposes to start selling gas in the city of Hahira by April 1, 1966.

Total estimated cost of Applicant's proposed distribution system is \$99,491, and would be financed from current construction funds. Applicant states that its construction budget for its 1965 fiscal year (Oct. 1, 1964-Sept. 30, 1965) is approximately \$16,000,000, which funds are financed initially by bank loans and will be replaced by permanent financing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 29, 1965.

GORDON M. GRANT,  
*Acting Secretary.*

[F.R. Doc. 65-10939; Filed, Oct. 13, 1965;  
8:46 a.m.]

[Docket No. G-13528, etc.<sup>1</sup>]

### SINCLAIR OIL & GAS CO.

#### Order Accepting Offer of Settlement, Requiring Refunds, Severing and Terminating Proceedings

OCTOBER 6, 1965.

On August 13, 1965, Sinclair Oil & Gas Co. (Sinclair) submitted an offer of settlement in these proceedings pursuant to § 1.18(e) of the Commission's rules of practice and procedure, and in accordance with the seventh and ninth amendments to the Statement of General Policy No. 61-1 (18 CFR 2.56). The proposed settlement involves a sale of natural gas by Sinclair to Texas Eastern Transmission Corp., (TETCO) in the Greenwood-Waskom Field, Caddo Parish, La., under Sinclair's FPC Gas Rate Schedule No. 325. Each of the proposed increased rates was suspended by order of the Commission, and with the exception of Supplement No. 12 to said rate schedule, was made effective subject to refund by Sinclair's predecessor, Hiawatha Oil and Gas Co. (Hiawatha).

Under the terms of the offer, Sinclair proposes to eliminate the favored-nation and annual periodic escalation provisions from said rate schedule, and to substitute, in lieu thereof, a base rate of 14.6154 cents per Mcf of natural gas at 15.025 p.s.i.a., exclusive of tax reimbursement, and 1.0 cent periodic increase to occur on November 1, 1968, and November 1, 1973, the latter increase to be effective for the remaining term of contract, which is sometime in 1976. Additionally, Sinclair proposes to reduce the presently effective tax reimbursement, which is being collected subject to refund, from 1.875 cents to 1.75 cents per Mcf, and to refund to TETCO all amounts collected for tax reimbursement in excess of the latter rate since

February 1, 1959. The proposed settlement rate, inclusive of tax reimbursement, is thus 16.3654 cents per Mcf. The total refunds, which will include amounts collected by both Sinclair and its predecessor, Hiawatha, will be approximately \$725. Sinclair's annual revenues from this sale will be reduced approximately \$239 under the terms of its proposal.

TETCO has filed its agreement to the proposal, and comments were filed by Public Service Electric and Gas Co., one of the parties to these proceedings. No protests or objections to the proposal have been filed.

We desire to make it clear that acceptance of Sinclair's offer of settlement shall not be construed as approval of any future increased rate filed in accordance with its substituted periodic escalation provisions or its reservation of the right to file increases to cover future tax increases as provided in its offer of settlement, and is without prejudice to any finding or order of the Commission in any future proceedings, including area rate or other similar proceedings, involving Sinclair's rate.

The Commission finds: The proposed settlement of the above-designated proceedings, on the basis described herein, as more fully set forth in the offer of settlement filed with the Commission by Sinclair on August 13, 1965, as herein conditioned, is consistent with the Statement of General Policy No. 61-1, as amended, 18 CFR 2.56, and approval thereof as made effective and hereinafter ordered is in the public interest and is appropriate to carry out the provisions of the Natural Gas Act.

The Commission orders:

(A) The offer of settlement filed with the Commission by Sinclair on August 13, 1965, is approved in accordance with the provisions of this order.

(B) Sinclair shall file within 30 days from the issuance of this order, a notice of change in rate providing for the settlement rate of 16.3654 cents per Mcf under its Rate Schedule No. 325.

(C) Sinclair shall file within 30 days from the issuance of this order a con-

tract amendment to its Rate Schedule No. 325 eliminating all the favored-nation and price escalation provisions therefrom and substituting periodic pricing provisions consistent with its settlement proposal.

(D) Sinclair shall compute the difference between the rates collected subject to refund in the above-entitled proceedings and the settlement rate of 16.3654 cents per Mcf for sales to TETCO in accordance with its settlement proposal, with applicable interest to the date of this order, and shall within 45 days from the date of issuance of this order submit a report to the Commission, with a copy to TETCO, setting out the amount of refunds (showing separately the principal and applicable interest) the bases used for such determination, the periods covered, and 10 days thereafter file a letter from TETCO agreeing to the correctness of such amounts, and shall 10 days from such filing refund such monies to TETCO.

(E) Upon notification by the Secretary of the Commission that Sinclair has complied with the terms and conditions of this order, the rate and charge of 16.3654 cents per Mcf of natural gas under its Rate Schedule No. 325, specified in its offer of settlement shall be effective as of the date of this order and these proceedings shall be deemed severed from the T. L. James, Inc., et al., Docket Nos. G-16492, et al., proceedings, and shall be deemed terminated, all without further order of the Commission.

(F) The acceptance by the Commission of Sinclair's offer of settlement, as conditioned herein, is without any findings or determinations that may be made in any proceeding now pending, or hereafter instituted by or against Sinclair's and is without prejudice to claims or contentions which may be made by Sinclair, the Commission staff, or any affected party hereto, in any proceeding, including area rate or similar proceedings.

By the Commission.

[SEAL]

JOSEPH H. GUTRIE,  
*Secretary.*

#### APPENDIX

Supp. No.	Docket No.	Effective date	Rates (cents per Mcf at 15.025 p.s.i.a.)		
			Approved	Suspended	Settlement
2	G-13528	4-1-53	14.4354	14.8456	16.3654
4	G-16663	4-1-59		15.9257	16.3654
5	G-17675	2-1-59		16.7208	16.3654
6	G-20068	4-7-60		16.1308	16.3654
7	RI61-177	4-1-61		16.3369	16.3654
8	RI62-129	4-1-62		16.5411	16.3654
9	RI63-96	4-1-63		16.7462	16.3654
10	RI64-169	4-1-64		16.9513	16.3654
12	RI65-254	(9)		17.1564	16.3654

<sup>1</sup> Initial certificated rate.

<sup>2</sup> Includes 1.0 cent tax reimbursement.

<sup>3</sup> Includes 1.75 cents tax reimbursement.

<sup>4</sup> Includes 1.875 cents tax reimbursement.

<sup>5</sup> Reflects tax reimbursement increase from 1.0 cent to 1.875 cents.

<sup>6</sup> Suspended until Apr. 1, 1965, but not made effective.

<sup>1</sup> The additional dockets involved herein are set forth in the appendix hereto.

[F.R. Doc. 65-10941; Filed, Oct. 13, 1965; 8:46 a.m.]

[Docket No. CP66-88]

**TRANSWESTERN PIPELINE CO.****Notice of Application****OCTOBER 6, 1965.**

Take notice that on October 1, 1965, Transwestern Pipeline Co. (Applicant), Post Office Box 1502, Houston, Tex., 77001, filed in Docket No. CP66-88 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the exchange of gas with Panhandle Eastern Pipe Line Co. (Panhandle) at a point located in Sherman County, Tex., all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that the proposed exchange service can be tendered by utilizing the available capacity of both Applicant and Panhandle. Applicant further states that the exchange arrangement would provide for greater utilization of existing facilities, thereby eliminating the need for duplicate facilities, and resulting in savings in cost which would benefit consumers.

The application states that the only additional facilities required by Applicant would be two minor taps and valves estimated to cost \$3,020. The cost of the proposed facilities would be financed with cash on hand. Applicant states that the redelivery of exchange volumes would be made through the facilities authorized in Docket No. CP65-362 issued June 29, 1965.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before November 1, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

**GORDON M. GRANT,**  
*Acting Secretary.*

[F.R. Doc. 65-10942; Filed, Oct. 13, 1965; 8:46 a.m.]

**SECURITIES AND EXCHANGE COMMISSION**

[File No. 1-3882]

**BELOCK INSTRUMENT CORP.****Order Suspending Trading****OCTOBER 8, 1965.**

The common stock, 50 cents par value, and the 6 percent convertible subordinated debentures, series A (due 1975), of Belock Instrument Corp., being listed and registered on the American Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934 and the 6 percent cumulative preferred stock and the 6 percent convertible subordinated debentures, series B (due 1975), being traded over the counter; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

*It is ordered,* Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period October 10, 1965, through October 19, 1965, both dates inclusive.

By the Commission.

[SEAL] **ORVAL L. DUBOIS,**  
*Secretary.*

[F.R. Doc. 65-10949; Filed, Oct. 13, 1965; 8:47 a.m.]

[812-1822]

**HAMILTON FUNDS, INC., AND INTERNATIONAL TELEPHONE AND TELEGRAPH CORP.****Notice of Filing of Application for Temporary Exemption From Stockholder Approval Requirements****OCTOBER 8, 1965.**

Notice is hereby given that Hamilton Funds, Inc. ("Fund"), 777 Grant Street, Denver, Colo., a registered management open-end diversified investment company, and International Telephone and Telegraph Corp. ("ITT"), 320 Park Avenue, New York, N.Y., a Maryland corporation and a controlling person of the investment adviser to the Fund, have filed an application pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") for an order of exemption from the provisions of section 15(a) of the Act. The requested order, in effect, seeks permission for a new subsidiary of ITT to serve as investment adviser until the next annual meeting of shareholders of the Fund, without the shareholders'

prior approval of the investment advisory agreement. All interested persons are referred to the application which is on file with the Commission for a statement of the representations therein, which are summarized below.

On March 15, 1965, a wholly-owned subsidiary of a wholly-owned subsidiary of ITT acquired control of Hamilton Management Corp. ("Hamilton") by purchasing approximately 94 percent of its outstanding voting securities. This transfer of a controlling block of Hamilton stock constituted an assignment of the then existing advisory agreement between Hamilton and the Fund, and therefore pursuant to the terms of the agreement it was automatically terminated. Concurrently with such termination, the Fund shareholders approved a new advisory agreement with Hamilton. Approximately 97 percent of the present shareholders of the Fund were shareholders entitled to vote on this agreement. Hamilton now proposes to sell substantially all of its assets to another wholly-owned subsidiary of ITT, or a wholly-owned subsidiary of such a subsidiary of ITT, in exchange for 303,077 shares of ITT common stock. Hamilton, which has 87,448 shares outstanding of Class B voting common stock and 779,974 shares outstanding of Class A non-voting common stock, will be liquidated with each share of Class A and Class B stock participating equally in the distribution of the ITT stock and the remaining Hamilton assets.

The assignment of the existing advisory agreement incident to the proposed sale will terminate the agreement and it is proposed that the Fund and Hamilton's successor, the ITT subsidiary, enter into a new advisory agreement materially identical to the present agreement. The new agreement will be submitted to the Fund's shareholders for their approval at their next annual meeting scheduled to be held in June 1966.

Section 15(a) of the Act provides, among other things, that it shall be unlawful for any person to act as an investment adviser of a registered investment company except pursuant to a written contract which has been approved by the vote of a majority of the outstanding voting securities of such registered investment company and provides in substance for its automatic termination in the event of its assignment by the investment adviser.

Section 6(c) of the Act provides that the Commission, by order upon application, may conditionally or unconditionally exempt any person or transaction from any provision of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

In support of the application, it is pointed out that the shareholders of the Fund as recently as March 1965, ap-

[811-850]

**OLD DOMINION GROWTH STOCK FUND, INC.****Notice of Application for Order Declaring That Company Has Ceased To Be an Investment Company**

OCTOBER 8, 1965.

proved an advisory agreement with Hamilton, a corporation controlled by TTT, and the changes herein involved affect only the form and not the substance of such control. It is represented that the new advisory company will have the same directors and key personnel as the existing advisory company, and at least until the new agreement is approved by the Fund shareholders will be operated in accordance with past management practices. It is asserted, in effect, that the requested exemption is consistent with the purposes and policies of the Act in general and specifically of section 15(a), and under the circumstances there would be no purpose in incurring the expense of a special shareholders' meeting called for the purpose of approving the new advisory agreement.

Notice is further given that any interested person may, not later than October 28, 1965, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the Fund at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the matter herein may be issued by the Commission upon the basis of the information stated in this notice, unless an order for hearing upon said proposal shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DuBois,  
Secretary.

[F.R. Doc. 65-10950; Filed, Oct. 13, 1965; 8:47 a.m.]

Notice is hereby given that an application has been filed pursuant to section 8(f) of the Investment Company Act of 1940 ("Act") for an order of the Commission declaring that the Old Dominion Growth Stock Fund, Inc. ("applicant"), 115 North Saratoga Street, Suffolk, Va., a Virginia corporation and an open-end diversified management investment company registered under the Act, has ceased to be an investment company. All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

Applicant filed a notification of registration on Form N-8A pursuant to section 8(a) of the Act on November 13, 1958.

Applicant represents that at a special meeting held on April 10, 1961, stockholders voted to liquidate and dissolve, and that final liquidation was consummated on April 15, 1961, when all assets were distributed to stockholders. Applicant further represents that it had no liabilities on the liquidation date; that there are no assets that remain undistributed; that it has no shareholders; and that The State Corporation Commissioner for the State of Virginia has certified that applicant was dissolved on June 1, 1962.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and that upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than October 29, 1965 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such com-

munication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DuBois,  
Secretary.

[F.R. Doc. 65-10951; Filed, Oct. 13, 1965; 8:47 a.m.]

[File No. 1-3393]

**VTR, INC.****Order Suspending Trading**

OCTOBER 8, 1965.

The common stock, \$1 par value, of VTR, Inc., being listed and registered on the American Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

*It is ordered*, Pursuant to sections 15 (c) (5) and 19(a) (4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period October 9, 1965, through October 18, 1965, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DuBois,  
Secretary.

[F.R. Doc. 65-10952; Filed, Oct. 13, 1965; 8:47 a.m.]



## CUMULATIVE LIST OF CFR PARTS AFFECTED—OCTOBER

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during October.

3 CFR	Page	7 CFR—Continued	Page	15 CFR	Page
<b>PROCLAMATIONS:</b>		<b>PROPOSED RULES—Continued</b>		30.....	12881
3674.....	12623	970.....	13014	201.....	12535
3675.....	12625	971.....	12785	202.....	12535
3676.....	12709	982.....	12539	<b>16 CFR</b>	
3677.....	12927	989.....	12686	13.....	12536, 12771, 12938
3678.....	12929	1008.....	12539	<b>17 CFR</b>	
3679.....	12931	1009.....	12539	240.....	12772
3680.....	12933	1030.....	13076	249.....	12772, 12775
3681.....	13049	1031.....	13076	<b>PROPOSED RULES:</b>	
<b>EXECUTIVE ORDERS:</b>		1032.....	13076	1.....	13076
June 24, 1914 (revoked in part		1033.....	12846	<b>18 CFR</b>	
by PLO 3840).....	12884	1034.....	12846	141.....	12727
April 17, 1926 (revoked in part		1038.....	13076	152.....	12728
by PLO 3832).....	12641	1039.....	13076	260.....	12727
2242 (revoked in part by PLO		1051.....	13076	<b>19 CFR</b>	
3848).....	13057	1061.....	13015	1.....	12680
3672 (revoked in part by PLO		1062.....	13076	8.....	13006
3848).....	13057	1063.....	13076	<b>20 CFR</b>	
7558 (revoked in part by		1064.....	13015	395.....	12777
PLO 3833).....	12642	1067.....	13076	<b>21 CFR</b>	
10173 (see EO 11249).....	13001	1070.....	13076	8.....	13056
10277 (see EO 11249).....	13001	1073.....	12847	120.....	12729
10352 (see EO 11249).....	13001	1074.....	12847	121.....	12637, 12670, 12730, 12777, 13007
11041 (amended by EO 11250).....	13003	1078.....	13076	130.....	13056
11223 (see EO 11250).....	13003	1079.....	13076	141a.....	12637
11244 (superseded by EO		1136.....	12736	144.....	12670
11248).....	12999	<b>8 CFR</b>		146a.....	12637, 12730
11245 (superseded by EO		103.....	12771	148e.....	12537
11248).....	12999	214.....	12771	148x.....	12537
11246 (corrected).....	12935	332.....	13005	<b>PROPOSED RULES:</b>	
11248.....	12999	336.....	13005	27.....	13012
11249.....	13001	<b>PROPOSED RULES:</b>		46.....	12949
11250.....	13003	103.....	12785	146a.....	12746
<b>5 CFR</b>		<b>9 CFR</b>		146b.....	12746
213.....	12529, 12627, 12720, 12927, 13005, 13053, 13054.	<b>PROPOSED RULES:</b>		146c.....	12746
731.....	12661	51.....	12684	146d.....	12746
735.....	12529	78.....	12684	146e.....	12746
<b>6 CFR</b>		203.....	12686	<b>22 CFR</b>	
530.....	12720	<b>12 CFR</b>		61.....	12639
<b>7 CFR</b>		8.....	12535	131.....	12732
29.....	12627	218.....	12836	201.....	12941
701.....	12661	<b>13 CFR</b>		<b>26 CFR</b>	
729.....	13051	107.....	13005	1.....	12730
730.....	12627	121.....	12640	39.....	12730
811.....	13010	<b>PROPOSED RULES:</b>		145.....	12939
831.....	12628	121.....	13019	147.....	12939
848.....	12534	<b>14 CFR</b>		<b>PROPOSED RULES:</b>	
905.....	12635, 12636	39.....	12837, 13006	1.....	12564
908.....	12636, 12879	71.....	12535,	<b>28 CFR</b>	
909.....	13052		12661, 12724-12727, 12837, 12880, 12881, 12937, 12938, 13006, 13054, 13056.	Ch. I.....	12941
910.....	12637, 12879, 12937	73.....	12727, 13056	<b>31 CFR</b>	
926.....	12534	75.....	12727, 13056	316.....	12778
932.....	12629	95.....	12662	<b>32 CFR</b>	
945.....	12834	298.....	12666	7.....	12821
948.....	12534, 12635, 12724, 12834	<b>PROPOSED RULES:</b>		43.....	12673
981.....	13053	39.....	12687, 12845, 13015	45.....	12941
993.....	12535	65.....	12892	58.....	12639
1421.....	12835, 13011	71.....	12688, 12735, 13078	157.....	13008
<b>PROPOSED RULES:</b>		77.....	12735	750.....	12882
724.....	12845, 13012	235.....	12889	753.....	12882
730.....	12684	241.....	12889	<b>32A CFR</b>	
906.....	12735	243.....	13077	NSA (Ch. XVIII):	
917.....	13063	298.....	12891	AGE-1.....	12640
929.....	13013	378.....	13077		
948.....	12644, 12735				

33 CFR	Page	43 CFR—Continued	Page	47 CFR	Page
3.....	12882	PUBLIC LAND ORDERS—Continued		0.....	13058
6 (see EO 11249).....	13001	3834.....	12642	1.....	12778, 13058
202.....	12838	3835.....	12642	73.....	12711,
203.....	12537, 12778, 13009	3836.....	12643		12719, 12780, 12781, 12886, 13009
204.....	12839	3837.....	12643	81.....	12778
207.....	12838	3838.....	12884	89.....	12778
37 CFR		3839.....	12884	91.....	12778
1.....	12844	3840.....	12884	93.....	12778
38 CFR		3841.....	12884	95.....	12778
3.....	13009	3842.....	12886	97.....	12778
39 CFR		3843.....	12886	99.....	12778
11.....	12841	3844.....	12947	PROPOSED RULES:	
142.....	12641	3845.....	12947	1.....	12688, 13016, 13018
143.....	12641	3846.....	12947	17.....	12688, 13018
41 CFR		3847.....	13057	25.....	13016
Ch. 7.....	12968	3848.....	13057	43.....	13016
9-7.....	12941	45 CFR		51.....	13016
101-5.....	12883	130.....	12731	73.....	12688, 12746, 12786, 13018, 13079
43 CFR		801.....	12680	81.....	13079
1720.....	12912	46 CFR		83.....	13079
2240.....	12912	272.....	12536	49 CFR	
2410.....	12912	282.....	12536	6.....	12669
PUBLIC LAND ORDERS:		286.....	12536	95.....	12731, 12839
316 (revoked by PLO 3847).....	13057	292.....	12536	174a.....	13061
1461 (revoked in part by PLO 3838).....	12884	402.....	12680	PROPOSED RULES:	
1600 (revoked in part by PLO 3846).....	12947	403.....	12680	52.....	13018
2248 (modified by PLO 3836).....	12643	533.....	12681	77.....	12543
3832.....	12641	PROPOSED RULES:		131.....	12893
3833.....	12642	201.....	12889	50 CFR	
		206.....	12889	32.....	12536,
		251.....	12889		12643, 12683, 12732, 12733, 12782-
		287.....	12889		12784, 12886-12888, 12948, 13062
				33.....	12887